

9346. Also, petition of the Chamber of Commerce of the State of New York, urging prompt enactment of the McCormack bill (H. R. 9669) amending the National Stolen Property Act, or similar legislation, to the end that any property seized in violation of law or confiscated by a foreign government may not be disposed of in the United States; to the Committee on Ways and Means.

9347. By Mr. MERRITT: Resolution of the City Council of the City of Newburgh, N. Y., stating that the City Council of the City of Newburgh, N. Y., requests that a ground aviation mechanic center be established in connection with Stewart Airfield at Newburgh, N. Y., and the United States Military Academy, West Point; to the Committee on Military Affairs.

9348. Also, resolution of the Tax Control League of Queens County, N. Y., urging that legislation be enacted to bring about an investigation of the Inspection Division of the Federal Housing Administration; to the Committee on Rules.

9349. By Mr. COFFEE of Washington: Petition of the Buckley Kiwanis Club, of Buckley, Wash., in form of letter, setting forth that such organization favors the absolute interdiction by the United States of all exports to Japan susceptible of use for military or naval purposes, further urging the passage by Congress of any and all measures designed to advocate such an objective; to the Committee on Foreign Affairs.

SENATE

TUESDAY, OCTOBER 8, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, who hast revealed Thyself to men through Thy Son, Jesus Christ, and hast hallowed the common ways of life in the breaking of bread: Grant us grace, we beseech Thee, so to see Thy presence and the abiding joy which lies in the little things of home that presently surround us, yet which so oft escape our sight, that, having found Thee in the simple ways of life, we may the better know Thee as Thou art in Thy greater glory. Through the same, Thy Son, Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, October 7, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 2617) to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3619) relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2747. An act relative to annual labor on mineral claims in the Territory of Alaska;

H. R. 7213. An act to safeguard the homing pigeon;

H. R. 10391. An act to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; and

H. R. 10527. An act to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	Reed
Andrews	Clark, Idaho	Herring	Russell
Ashurst	Clark, Mo.	Holt	Schwartz
Austin	Connally	Johnson, Calif.	Schweilenbach
Bailey	Danaher	Johnson, Colo.	Shipstead
Barbour	Davis	King	Stewart
Barkley	Ellender	McKellar	Thomas, Okla.
Bone	George	Maloney	Thomas, Utah
Bridges	Gerry	Minton	Townsend
Bulow	Gibson	Murray	Van Nuys
Burke	Gillette	Norris	Wagner
Byrd	Glass	O'Mahoney	Walsh
Byrnes	Green	Overton	Wheeler
Capper	Gurney	Pepper	White
Caraway	Harrison	Radcliffe	Wiley

Mr. MINTON. Mr. President, I announce that the Senator from Kentucky [Mr. CHANDLER] is absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BLBO], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. McCARRAN], the Senator from New York [Mr. MEAD], the Senator from Arkansas [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Texas [Mr. SHEPARD], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. McNARY], the Senator from Michigan [Mr. VANDENBERG], the Senator from North Dakota [Mr. FRAZIER], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Ohio [Mr. TAFT], the Senator from Idaho [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], and the Senator from North Dakota [Mr. NYE] are necessarily absent.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

PROGRAM TO SAFEGUARD AMERICA—LETTER FROM ARTHUR O. LOVEJOY

Mr. RADCLIFFE. Mr. President, I present for publication in the RECORD and reference to the Committee on Foreign Relations a letter addressed to me by Mr. Arthur O. Lovejoy, chairman of the Maryland Branch of the Committee To Defend America by Aiding the Allies.

The VICE PRESIDENT. Without objection, the letter will be received, printed in the RECORD, and referred to the Committee on Foreign Relations.

The letter is as follows:

COMMITTEE TO DEFEND AMERICA BY AIDING THE ALLIES,
Baltimore, Md., September 28, 1940.

HON. GEORGE L. RADCLIFFE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR RADCLIFFE: The CONGRESSIONAL RECORD of September 26 (pp. 19130-19142) and the Baltimore Sun of the following day report speeches and remarks by several Senators in which this committee is attacked, its principles and aims misrepresented, and the motives and good faith of its members aspersed, and an investigation of its activities is called for. No Member of the Senate appears to have seen fit to reply to this attack or to point out these misrepresentations.

I take the occasion to say that the Maryland Committee To Defend America by Aiding the Allies would welcome an investigation of its books, records, personnel, and publications by a congressional committee or any other competent body, and that we should be glad if you would so advise any of your senatorial colleagues who may be concerned. We are also of the opinion that a reply to these innuendoes and misrepresentations should be made on the floor of the Senate, where they were delivered. Since a very large body of Maryland citizens, who are presumably entitled to respect, are among those thus attacked, we should be gratified if one or both of the Maryland Senators would make such a reply—at least so far as to point out that any group of citizens having convictions on a grave question of public policy are supposed, under our American political tradition, to have a right to express their views, to solicit the support of their fellow citizens, and to petition both the executive and legislative branches of the Government—without having their objects wrongly stated and their motives impugned before Congress, with no opportunity for reply in the same place.

The pertinent facts are that the committee for which I have the honor to speak is an organization of patriotic Americans who, with the utterances of Adolf Hitler and the object lessons of Austria, Czechoslovakia, Poland, Denmark, Norway, Belgium, Holland, and Luxembourg before them, became convinced—

1. That there has arisen in Europe a military conqueror avowedly hostile to democracy everywhere and avowedly bent on world domination;

2. That his designs therefore constitute a formidable and not remote menace to the security, liberties, and economic well-being of the American people;

3. That it is better to have Hitler stopped with the aid of American guns and planes in Europe than to be compelled eventually to meet his aggression with American troops somewhere in this hemisphere;

4. That the defeat and destruction of the British Fleet would mean the control of the Atlantic by the totalitarian powers and the removal of the chief protective barrier against attack upon the American republics, and would therefore be a strategic disaster of the first order of gravity for the United States;

5. That therefore the first principle of policy and strategy for the United States in the present world crisis should be to make available to those across the Atlantic who are resisting this menace to all free peoples sufficient weapons and other material means for maintaining and strengthening such resistance so long as it can be carried on with any prospect of success; and

6. That our present deplorable state of unpreparedness makes such a policy even more imperative for our national defense, since we cannot take any risk of attack before our rearmament is completed.

These six propositions seem to us so clear and evident that we are unable to understand the workings of the minds of any informed persons who fail to recognize their truth. It is certain that the large majority of citizens throughout the country accept them. They are, it is to be noted, all of them propositions relating solely to American interests; and they present a program—the only program that offers any hope of success—for keeping war away from this hemisphere. We are therefore also unable to understand why citizens who exercise their right to urge such a program for safeguarding the most vital interests of their country and who, without remuneration, give of their time, energies, and means to this public service should be subject to the imputation of sinister, interested, or unpatriotic motives, such as have been charged against them in your honorable body.

We should be grateful if you would, in justice to many thousands of your constituents, have this letter read before the Senate and inserted in the CONGRESSIONAL RECORD.

I am, with high regards,
Faithfully yours,

ARTHUR O. LOVEJOY, *Chairman.*

[A similar letter has been sent to Senator TYDINGS.]

REPORTS OF COMMITTEES

Mr. BURKE, from the Committee on Claims, to which was referred the bill (S. 4400) for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., reported it without amendment and submitted a report (No. 2211) thereon.

Mr. THOMAS of Utah, from the Committee on Military Affairs, to which was referred the bill (S. 4208) establishing overtime rates for compensation for employees of the War Department, its field services, the Panama Canal Zone, and for other purposes, reported it with amendments and submitted a report (No. 2212) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7916) granting 6 months' pay to Lillian M. Reymonda, reported it without amendment and submitted a report (No. 2213) thereon.

RECORD OF COMMITTEE ON NAVAL AFFAIRS

Mr. WALSH. Mr. President, as chairman of the Committee on Naval Affairs, I present a condensed report of the work of the Committee on Naval Affairs of the Senate during the

third session of the Seventy-sixth Congress, which commenced on January 3, 1940. I ask unanimous consent to have it printed in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The total number of bills referred to the committee during the third session, 87.

The total number of bills enacted into law during the third session, 45.

The total number of bills reported to the Senate from the Committee on Naval Affairs during third session, 59.

Total number of bills passed by the Senate, 58.

Total number of bills now on the Senate Calendar (unfinished business), 1.

Number of nominations for appointment or promotion considered during the third session, 2,750.

The following major bills were enacted during the third session of the Seventy-sixth Congress:

PUBLIC, NO. 629, SEVENTY-SIXTH CONGRESS (THE 11-PERCENT NAVAL EXPANSION BILL)

Public, No. 629, Seventy-sixth Congress, approved June 14, 1940:

(1) Increased the authorized composition of the United States Navy in under-age vessels from 1,557,480 tons to 1,724,480 tons (an addition of approximately 21 vessels).

(2) Authorized the President to acquire and convert or to undertake the construction of 75,000 tons of auxiliary vessels (approximately 22 vessels).

(3) Increased the authorized number of useful naval airplanes from not less than 3,000 to not more than 4,500.

(4) Increased the authorized number of useful lighter-than-air craft to a total of not more than 18.

PUBLIC, NO. 635, SEVENTY-SIXTH CONGRESS (THE AVIATION EXPANSION BILL)

Public, No. 635, Seventy-sixth Congress, approved June 15, 1940:

(1) Increased the number of authorized useful naval airplanes from not more than 4,500 to not more than 10,000 and the number of useful nonrigid lighter-than-air craft to a total of not more than 48.

(2) Authorized the President to provide training facilities for 16,000 naval aviators and enlisted pilots.

(3) Authorized the Secretary of the Navy to establish, develop, or increase naval aviation facilities, including the purchase of land and the construction of buildings and accessories, at a total cost not to exceed \$144,132,000.

(4) Provided that the facilities authorized by the bill could be constructed on a cost-plus-a-fixed-fee basis.

PUBLIC, NO. 671, SEVENTY-SIXTH CONGRESS (TO EXPEDITE NATIONAL DEFENSE)

Public, No. 671, Seventy-sixth Congress, approved June 28, 1940, was enacted to expedite naval shipbuilding and other national-defense measures. The majority of the provisions of this act are effective only during the national emergency declared by the President on September 8, 1939, to exist, and terminate on June 30, 1942, unless the Congress otherwise provides. Very briefly this act—

(1) Authorizes advance payments to be made to contractors not exceeding 30 percent of the contract price.

(2) Authorizes the Secretary of the Navy to negotiate contracts for the acquisition, construction, repair, or alteration of naval vessels, naval aircraft, machine tools, and other similar equipment without competition.

(3) Changes the provisions of existing law regarding the limitation of profits on contracts for naval vessels and aircraft.

(4) Modifies existing laws regarding hours of work and compensation for overtime work.

(5) Removes the statutory limitations with respect to the cost of vessels authorized by the act approved June 30, 1937.

(6) Removes the statutory limitations with respect to the cost of any other naval project of construction as may be necessary to expedite national defense.

(7) Authorizes the Secretary of the Navy to employ additional personnel.

(8) Authorizes the Secretary of the Navy and the Secretary of the Treasury to modify existing contracts to expedite military and naval defenses.

(9) Authorizes the Secretary of the Navy to use available appropriations for public-works projects, inclusive of buildings, facilities, utilities (including Government-owned facilities at privately owned plants and the expansion of such plants), and the acquisition of land and the purchase and lease of structures.

(10) Authorizes the Secretary of the Navy, with or without advertising or competitive bidding, to provide out of available appropriations for the operation and maintenance of any plants, buildings, facilities, utilities constructed pursuant to the authorizations contained in the act either by means of Government personnel or through the agency of qualified commercial manufacturers.

PUBLIC, NO. 757, APPROVED JULY 19, 1940 (THE TWO-OCEAN NAVY BILL)

Briefly, this act—

(1) Increases the authorized composition of the United States Navy in under-age combatant vessels by 1,325,000 tons.

(2) Authorizes an appropriation of \$150,000,000 for essential equipment and facilities at either private or naval establishments

for building or equipping any complete naval vessel or portion thereof heretofore authorized, or authorized by this act.

(3) Authorizes an appropriation of \$65,000,000 for essential equipment and facilities for the manufacture of ordnance matériel or munitions at either private or naval establishments.

(4) Authorizes an appropriation of \$35,000,000 for the expansion of facilities for the production of armor at either private or naval establishments.

(5) Authorizes the President to acquire and convert or to undertake the construction of—

(a) Patrol, escort, and miscellaneous craft as may be necessary to supplement the tonnages heretofore authorized or authorized by this bill.

(b) One hundred thousand tons of auxiliary vessels.

(6) Provides that no vessel, ship, or boat (except ships' boats) now in the United States Navy or being built for the Navy shall be disposed of by sale or otherwise except as is now provided by law.

(7) Increases the number of useful naval airplanes from not more than 10,000 to a total of 15,000 and provides that this total may be exceeded if in the judgment of the President this number is not sufficient to meet the needs of the national defense.

Costs

The estimated additional costs of the above bills are as follows:

Public, No. 629, approved June 14, 1940:

Cost of additional ships and planes.....	\$654,902,270
Cost of modernizing 3 battleships.....	6,000,000
Cost of additional facilities at navy yards, etc....	41,000,000
Total.....	701,902,270

Public, No. 635, approved June 15, 1940:

Cost of additional planes.....	1,150,000,000
Cost of additional shore facilities.....	410,000,000
Cost of training pilots.....	90,000,000
Cost of procuring and training additional personnel.....	300,000,000
Cost of ordnance equipment, bombs, ammunition, etc.....	300,000,000
Total.....	2,250,000,000

Public, No. 757, approved July 19, 1940:

Cost of additional vessels.....	3,760,000,000
Cost of additional shipbuilding, armor, and ordnance facilities.....	250,000,000
Cost of additional planes.....	600,000,000
Total.....	4,610,000,000

Public, No. 671, approved June 28, 1940:

No estimate of cost available. Since this act authorized overtime work and other measures to expedite national defense, it is quite possible that additional appropriation of several hundred millions of dollars will be required.

Grand total..... 7,561,902,270

It is to be noted that this amount is for additional ships, planes, bases, and other naval projects, and does not include maintenance costs, the cost of constructing ships, planes, and public-works projects authorized prior to January 1, 1940, or the replacement of obsolete vessels and planes.

TOTAL NAVAL APPROPRIATIONS

The total appropriations for the Navy during the third session of the Seventy-sixth Congress were \$2,546,320,050. In addition contract authorizations were approved totaling \$822,995,612, making a grand total of \$3,369,297,662. This amount appropriated includes not only the beginning of construction of vessels, airplanes, bases, and other naval facilities authorized during the third session of the Seventy-sixth Congress, but includes payments being made upon construction and naval undertakings authorized in previous laws. As it takes 2 to 4 years to construct naval vessels and airplanes only a part of what is authorized is appropriated each year depending upon the extent of completion of each contract.

OTHER IMPORTANT NAVAL BILLS ENACTED

The following additional 21 important naval bills were enacted into law during the third session of the Seventy-sixth Congress:

Public, No. 644. This act reorganized the Navy Department and consolidated the Bureau of Engineering and the Bureau of Construction and Repair into a new Bureau known as the Bureau of Ships.

Public, No. 657. This act transferred the Construction Corps to the line of the Navy.

Public, No. 443. This act increased the punishment for espionage and other crimes.

Public, No. 440. This act authorized the appointment of 100 acting assistant surgeons for temporary service in the Navy.

Public, No. 634. An act to regulate the number of warrant and commissioned warrant officers in the Marine Corps.

Public, No. 482. To amend the Naval Reserve Act of 1938 relative to the computation of Naval Service.

Public, No. 412. For the relief of World War sailors and marines who were discharged from the United States Navy or United States Marine Corps because of minority or misrepresentation of age.

Public, No. 433. Authorizing the payment of commuted rations of enlisted men.

Public, No. 615. An act to establish a uniform rule of treatment for all civilian employees of the Navy Department appointed for duty beyond the continental limits of the United States.

Public, No. 506. To accept on behalf of the United States personal property of the late Dudley F. Wolfe.

Public, No. 456. To accept on behalf of the United States land at Floyd Bennett Field, N. Y.

Public, No. 541. To accept real estate for the United States from the city of Miami, Fla.

Public, No. 553. Authorizing the Secretary of the Navy to accept on behalf of the United States a gift of the yacht *Freedom* from Sterling Morton.

Public, No. 775. An act to increase the number of naval aviators in the line of the Regular Navy and Marine Corps.

Public, No. 779. To increase the number of midshipmen at the Naval Academy.

Public, No. 782. To increase the authorized strength of Naval Reserve Officers' Training Corps personnel from 2,400 to 7,200.

Public, No. 790. To extend the age limits for applicants for appointment as midshipmen at the Naval Academy.

Public, No. 786. Authorizing additional drydocks for the United States Navy.

Public, No. 617. Authorizing the sale of fuel, electric current, and water at isolated naval stations.

Public, No. 465. Authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps.

Public, No. 540. To amend the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

MINOR NAVAL BILLS ENACTED

In addition to the above there were 20 bills enacted into law during the third session which were handled by the Senate Committee on Naval Affairs. These bills were for such purposes as exchange of real estate, reimbursement for loss of personal property, etc.

PENDING NAVAL BILLS

The following naval bills have been favorably reported during the third session of the Seventy-sixth Congress by the Senate Committee on Naval Affairs and have passed the Senate, but at this date not enacted into law.

S. 4254. Authorizing postgraduate instruction for civilian employees of the Naval Establishments.

S. 4245. To authorize the Secretary of the Navy to establish certain naval hospitals.

S. 4246. To provide for the appointment of certain persons as commissioned or warrant officers in the Naval Reserve.

S. 4196. Establishing overtime rates for compensation for employees of the field services of the Navy Department and Coast Guard.

S. J. Res. 253. Providing for the celebration of the one hundredth anniversary of the founding of the United States Naval Academy.

S. 3008. To authorize the President of the United States to dispose of certain public vessels.

The following bill is on the Senate Calendar:

H. R. 9854. To authorize certain personnel in the Navy and Marine Corps to accept medals, orders, decorations, and presents from foreign governments.

The following bills are awaiting the approval or disapproval of the President:

H. R. 9636. Conveyance to the Commonwealth of Virginia portion of naval reservation known as Naval Proving Grounds.

H. R. 10406. Authorizing the appointment of graduates of the Naval R. O. T. C. to the line of the Regular Navy.

H. R. 10295. To amend the act of June 23, 1938 (Personnel Act).

NAVAL BILLS VETOED

During the third session of the Seventy-sixth Congress the following bills were vetoed:

S. 2348. Relating to allowances to certain naval officers stationed in the Canal Zone for rental of quarters.

H. R. 4929. To amend the act of June 23, 1938 (Personnel Act).

H. R. 10405. To provide for adjusting the compensation of persons employed as masters at arms and guards at navy yards and stations, and for other purposes.

COMPOSITION AND EXPANSION OF NAVY

The act approved March 27, 1934—the so-called Vinson-Trammell Act—established the composition of the Navy at approximately 226 underage combatant vessels of 1,262,068 tons and approximately 2,050 useful naval airplanes.

The Naval Expansion Act of 1938 authorized an increase of approximately 20 percent in combatant vessels and an increase of approximately 50 percent in planes, making the authorized number of underage combatant vessels of 272 of 1,557,480 tons, and the authorized number of useful naval planes not less than 3,000.

During the third session of the Seventy-sixth Congress an 11-percent expansion program, an aviation expansion program, and a two-ocean Navy expansion program were authorized. These 3 expansion programs increased the number of useful naval airplanes from not less than 3,000 to a total of 15,000, and the number of underage combatant vessels from 272 of 1,557,480 tons to approximately 480 vessels of 3,049,480 tons.

When the shipbuilding programs are completed, about 1944 or 1945, the Navy will have approximately 172 overage vessels (combatant) in addition to 480 underage combatant vessels.

In addition, these programs authorized the building or procurement of many auxiliary, escort, patrol, and miscellaneous vessels, the expansion of aviation bases and aviation training facilities, and the training of many additional pilots and aviation mechanics.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY:

S. 4403. A bill to permit members of building and loan associations and similar institutions to report and pay tax upon their earnings in such institutions in the taxable year in which such earnings accrue and to require such institutions to make an information return as to earnings of their members, such as is required for interest, rents, and salaries; to the Committee on Finance.

By Mr. STEWART:

S. 4404. A bill to authorize the President temporarily to transfer jurisdiction over certain national forest and national park land to the War Department or the Navy Department; to the Committee on Public Lands and Surveys.

By Mr. MINTON:

S. 4405. A bill to amend the Rural Electrification Act of 1936, as amended, for the purpose of extending the period within which loans may be amortized; to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 2747) relative to annual labor on mineral claims in the Territory of Alaska was read twice by its title and referred to the Committee on Mines and Mining.

ADDRESS BY SENATOR LUCAS AT THE FUNERAL OF GOVERNOR HORNER

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Senator LUCAS on the occasion of the funeral of the late Henry Horner, Governor of Illinois, which appears in the Appendix.]

STATEMENT BY SENATOR WILEY OF HIS REASONS FOR VOTING FOR WENDELL WILLKIE

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement issued by him giving some of the reasons why he will vote for Wendell Willkie, which appears in the Appendix.]

WAR HAWKS

[Mr. HOLT asked and obtained leave to have printed in the RECORD a series of articles entitled "War Hawks," which appears in the Appendix.]

BUSINESS AND GOVERNMENT—ADDRESS BY SECRETARY JONES

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD a radio address delivered by Hon. Jesse H. Jones, Secretary of Commerce, October 7, 1940, on the subject Business and Government, which appears in the Appendix.]

EDITORIAL FROM NEW YORK ENQUIRER ON THE LATE SENATOR LUNDEEN

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial from the New York Enquirer, of the issue of September 23, 1940, in regard to the late Senator Lundeen, which appears in the Appendix.]

PRESIDENT ROOSEVELT—EDITORIAL FROM PHILADELPHIA RECORD

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial from the Philadelphia Record of October 8, 1930, under the heading "This Nation Is Fortunate," which appears in the Appendix.]

ADDRESS BY JAMES L. McDEVITT, PRESIDENT, PENNSYLVANIA FEDERATION OF LABOR

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD remarks of Mr. James L. McDevitt, president of the Pennsylvania State Federation of Labor, at the Pennsylvania Amalgamated Clothing Workers' conference in Philadelphia on September 21, 1940, which appears in the Appendix.]

THE THIRD-TERM ISSUE—ARTICLE BY THOMAS A. REED

[Mr. BARBOUR asked and obtained leave to have printed in the RECORD a brief against the third Presidential term, written by Thomas A. Reed, which appears in the Appendix.]

THE TENNESSEE VALLEY AUTHORITY

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial from the Nashville (Tenn.) Tennessean of September 19, 1940, entitled "\$13,000,000 to the Good," which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

Mr. BARBOUR. Mr. President, I am very anxious to read a letter which I had intended reading to the Senate several days ago. It is dated September 24 and is from Walter White, secretary of the National Association for the Advancement of Colored People:

DEAR WARREN: Would you be willing to ask on the floor of the Senate before Congress adjourns about the status of the antilynching bill and urge that the bill be considered and voted on before Congress adjourns. We very much hope you will be willing to do this.

We enclose self-explanatory copy of letter which we have written to Senator WAGNER giving the facts about the seven lynchings that have taken place this year and several others which are under investigation. The case at Brownsville, Tenn., where a law-abiding citizen was lynched because he went with other equally respectable Negro citizens to ask information as to what they should do to qualify to vote in the November Presidential election is a case which, by itself, is enough to shock Americans and to justify passage of the antilynching bill.

Other Negroes, including a minister of the gospel and a Negro proprietor of a filling station, were forced by the same mob to flee for their lives from Brownsville. They were ordered to get out of town before daybreak and were told that if they returned they would be lynched. One of these Brownsville refugees is father of seven children and his wife is soon to give birth to an eighth child. His filling station was taken over by the sheriff the day after he was run out of town. The sheriff claimed that he was taking it for a creditor who held a mortgage on the equipment. But Elisha Davis had paid in full for the equipment. The filling station is being run by other persons to whom no authority to run it has been given by the owner. Meanwhile Mr. Davis is penniless and is forced to live on the charity of his friends.

This situation is comparable to the oppression of minorities in Nazi Germany, which Americans and the Congress have rightly denounced. But the treatment of American citizens in Brownsville who sought to exercise their constitutional right to vote for the next President of the United States justifies the charges of German, Italian, and Russian newspapers of American hypocrisy as long as such conditions are permitted to continue in our own country.

It is because of this that we are taking the liberty of asking you and a few other active advocates of the antilynching bill in the Senate to raise on the floor of the Senate the question of debate and vote on that measure before Congress adjourns.

Sincerely,

WALTER.

Mr. President, I read this important letter, because I should very much like to ask the majority leader if there is to be an opportunity to bring up the antilynching bill in this session, before we either adjourn or recess, or whatever will be done in regard to the program for the future.

As for myself, I most strongly and emphatically point out that this legislation has been passed over obviously too often and altogether too long, and should have consideration. I am wholeheartedly and sincerely in favor of it, not only because of the premise that it stands for, but because it represents even more than merely preventing lynching; it has become a symbol of tolerance as representing the true American attitude in relation to real equality, without prejudice as regards race, creed, or color.

I therefore very earnestly ask the distinguished Senator from Kentucky what we may expect in relation to the most important question which the letter raises, and which I myself raise so urgently.

Mr. BARKLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Kentucky?

Mr. BARBOUR. I very gladly yield to the Senator from Kentucky.

Mr. BARKLEY. I realize the interest of the Senator from New Jersey in this subject, particularly at this time. The senior Senator from New Jersey [Mr. SMATHERS] has also spoken to me on the same subject; but I feel quite certain that the junior Senator from New Jersey knew the answer to his question before he asked it. However, I shall be entirely frank with the Senator and with the Senate and with the

country, if the country is interested in my answer to his question.

The Senator from New Jersey and all other Senators know what the legislative situation has been during this session. The Senator from New Jersey and all other Senators know the history of this legislation in the Senate heretofore. The matter was brought up in the last Congress. It was debated here for some 6 weeks. I made every effort that I think a human being could resort to in order to obtain a vote on the antilynching bill. I made repeated requests for unanimous consent to fix a time when a vote might be had.

A motion was then made to invoke the rule for cloture, in order that a vote might be obtained on the bill. There was a yea-and-nay vote in the Senate on the motion for cloture; and while the rule requires two-thirds in order to bring about cloture, it did not receive even a majority, the vote being 37 in favor of cloture and 51 in opposition to it. I was among the 37 who voted to invoke the rule for cloture. Under those circumstances it was impossible to obtain a vote, and the bill had to be abandoned.

The House of Representatives passed the bill during the early part of this session of Congress. It came to the Senate, and the Judiciary Committee reported the bill I believe practically without amendment. If there is any amendment, it is trivial. I am informed that there is no amendment whatever.

The National Association for the Advancement of Colored People, whose secretary is Mr. Walter White, has been particularly urgent in its request that this matter be brought to a vote at this session of Congress. I very much doubt if any other Senator realizes the situation in which I have been placed because of my position, and because of the not only insistent but sometimes peremptory demands that, regardless of anything else, the antilynching bill be brought forward for consideration in the Senate. I have tried to be fair and frank with this organization and with all others, in the Senate and outside of the Senate, interested in the antilynching bill. I have tried to explain to them the situation. I have stated to them, and I now state, that not only did I vote for cloture when the matter was up heretofore but after reasonable debate I would vote for cloture again. It has been my purpose, and I have had no change in that purpose, when the bill is finally voted on, to vote for it. I think it ought to be disposed of at the very earliest possible date; but I am sure the Senator from New Jersey knows, and all other Senators know, that there is violent opposition to the measure in the Senate.

Not only was there a 6 weeks' filibuster when the bill was up on a previous occasion, but those who are opposed to it, or some of them, have served notice that they will pursue the same course again when the bill comes up either in this session or in any future session in which they happen to be Members of the Senate.

The bill cannot be brought to a vote, in my judgment, without invoking the cloture rule. It may be unfortunate, and I think it is unfortunate, that under our rules proposed legislation in which many people are interested can be indefinitely delayed because of debate. I have never been in favor of filibusters, I have never participated in one. I believe that when debate has been permitted to run until it has been exhausted in every legitimate sense, the Senate should be allowed to vote on a measure which comes before it. Nevertheless we must face the conditions as they are, and not as we might wish them to be.

I have felt, and I believe that all other Senators have felt—indeed, it has been the general feeling—and I have consulted Senators not only on this side of the Senate Chamber but on the other side of the Chamber, including the minority leader, the Senator from Oregon [Mr. McNARY], now the Republican candidate for Vice President of the United States, that, in view of the international situation, in view of the necessity and demand that we act speedily on defense legislation, which was of paramount importance to the country, nothing could more seriously interfere with that program and, it might be, even cast some reflection on the Senate itself, than to have the country witnessing a prolonged and interminable filibuster over any bill in the midst of this international situation, on

which we have been called to act with speed and determination and consistency.

Under these circumstances I think it has been the unanimous view of the Members of the Senate that there should not be projected here a legislative matter of such profound controversy as to result in the prolonged, interminable filibuster which would ensue. I think that is a perfectly natural reaction.

Furthermore, I will say to the Senator from New Jersey that in an effort to ascertain whether a vote could be had at this session on the antilynching bill, I have had a very careful personal and individual poll made of the Members of the Senate on the Democratic side and on the Republican side, and in that effort the minority leader has cooperated, and it has been ascertained that cloture cannot be obtained at this time in order to have a vote on the antilynching bill. It is not only impossible to obtain the two-thirds vote necessary to adopt it, but it would not be possible to get a majority on either side of the Senate for cloture.

Under those circumstances it has occurred to me, and I am willing to take the responsibility of saying that in the midst of our international situation, our defense program, and the condition in which the world and our country find themselves, it is impractical at this time to make a futile effort to obtain a vote on the bill when it is known in advance that a vote cannot be had.

To answer the Senator specifically, the Senator knows that Congress has been in session ever since the first of January; it was in session practically all of last year; Members of the Senate and the House have had practically no vacation, unless they have run off while the bodies were in session, for a year and 9 months, and it has been generally supposed and generally desired on the part of both Houses that some form of recess be had in order that Members might take a vacation, or go home, or at least spend 4 or 5 weeks out of Washington. I do not know what is to happen regarding that; we have been waiting on the House of Representatives to make up its mind whether or not it would recess. I think the Senate is willing to take a reasonable recess, until sometime in the middle of November, but unless both Houses are willing to do that it is futile for one House to attempt it. If that is not done, I suppose there will be some sort of an arrangement by which no important legislation will be considered until the end of such a period as is decided on. But for the reasons I have stated it has seemed to me wise to enter into an arrangement for a joint recess until about the 18th day of November. Otherwise Members of Congress who go home will be constantly interrogated by their friends who see them and who have read in the morning paper that someone has made a speech in the House or the Senate on some subject which is probably not before either House; they will be interrogated as to why they are at home while Congress is still in session. For that reason it has seemed to me, in view of all the circumstances, that the wise course is to take a brief recess, and come back sometime about the middle of November.

I am anxious to see the bill to which the Senator from New Jersey has referred disposed of at the earliest possible opportunity when it can be disposed of. I have not felt and I do not now feel that it should have been injected into the midst of our program of national defense, when it would have interfered with that materially, and when a vote could not have been had on it, and when we would have spent weeks in futile debate and in another futile filibuster without any determination of the question to be voted upon.

I cannot state to the Senator when the measure can be taken up with any prospect of obtaining a vote. I hope it can be done at any early date, either when we come back in November, or at an early date in the next session, but, in all frankness, I do not feel it would be possible at this time, considering the legislative situation, and the mood of both Houses, to take the bill up and dispose of it before some form of recess is taken by the House and the Senate.

If that does not answer the Senator's question, I do not know how to answer it.

Mr. BARBOUR. Mr. President, the majority leader, the distinguished Senator from Kentucky, has been, as he always is, very fair and very frank, and has answered the question, though I regret very much the answer he makes, that he feels there will be no opportunity in this session to bring up the antilynching bill. Anyway he is in agreement with me; he would like to have the matter disposed of at the earliest possible moment. He has said that two or three times in the course of his remarks in reply to my inquiry. That is just exactly the way I feel. I want the bill brought up at the very earliest possible moment and I still hope it can be this session. I did not know of any way in which I could get the best information as to this problem, that is, as to the prospect of bringing this legislation to the floor of the Senate other than by asking the majority leader what the prospects were. Of course, I meant no discourtesy to the Senate; he said, I believe, something about a peremptory demand.

Mr. BARKLEY. I understand the Senator. I appreciate his situation.

Mr. BARBOUR. There was not the slightest idea of that, and my purpose is not to harass or trouble the Senator. But I am deeply and sincerely interested in this vital legislation, and have said so many many times. It certainly is not simply because of the fact that I am in another campaign myself that I bring up this subject, though I admit that that may seem to have a bearing on the matter. But this is not a new stand with me. I have always been of exactly the same opinion, regardless of any situation or other consideration, ever since I first came to the Senate in 1931.

Mr. President, this is such an old story, and has been debated so often that to me the fault seems obviously to lie with those who always filibuster against this bill. That is why I will vote for cloture. I am very much opposed to cloture generally speaking; I think it is something against which we must guard, but I do believe that when a bill has been debated and debated and debated and is prevented from coming to a vote merely by a filibuster on the part of a minority group of the Senate, then cloture falls within a different category from any ordinary legislative situation. That is why I should like to see cloture voted—I still hope—at this session.

The Senator from Kentucky has made it clear that in his judgment that is impossible; that is what his remarks amount to. Under the circumstances, I regretfully accept his conclusion and thank the Senator for his characteristically fair and frank statement as to the situation, but I still beg to insist that something be done to bring the antilynching bill up at this session of the Congress.

Mr. BARKLEY. Mr. President, I wish to say merely an additional word. I hope that what I have said in my effort to give the Senator a frank answer will not be misquoted, that what I have said will not be twisted and distorted and garbled into indicating an attitude which I do not assume. I say that because recently in a colored newspaper in Chicago I was quoted as having made certain statements about the antilynching bill in response to a visit to Washington by a delegation of colored people who were interested in its passage. No such delegation has ever called on me; I gave out no such interview as that to which my attention was called, and I wrote in reply to the letter which I received from the secretary of the Association for the Advancement of Colored People that I not only had not given out the interview which had been printed in the Chicago paper, which I believe is called the Defender, or the Chicago Defender, at least the word "Defender" is in the title, but that I had never seen a copy of that paper. I do not recall that I knew there was such a publication; no such delegation ever called on me; and I never made any statement to any such delegation. I stated in reply to the letter which I received, sending me a copy of the alleged interview, that there was not the slightest foundation for a single sentence in the interview.

I am asking those who quote what I say here about this matter in reply to the Senator from New Jersey, no matter from what source they come or what newspaper they repre-

sent, to quote me accurately, and not attempt in any way to attribute to me statements or sentiments to which I have not given expression.

Mr. BARKLEY subsequently said: Mr. President, in connection with the remarks I made a while ago in response to the question of the Senator from New Jersey [Mr. BARBOUR], I ask unanimous consent to have printed in the RECORD as a part of my remarks the yea-and-nay vote in the Senate on January 27, 1938, on the motion for cloture in connection with the antilynching bill.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

The VICE PRESIDENT. The hour of 1 o'clock having arrived, under rule XXII the Chair lays before the Senate the motion for cloture, signed by the requisite number of Senators, and directs the Secretary to read it.

The legislative clerk read as follows:

"We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

"Signed by Messrs. Neely, La Follette, Wagner, Clark, Van Nuys, Minton, Brown of New Hampshire, McGill, Schwollenbach, Truman, Bone, Bulkley, Hitchcock, Copeland, Thomas of Utah, Guffey, and McAdoo."

The VICE PRESIDENT. * * * Is it the sense of the Senate that the debate shall be brought to a close? Those in favor will answer "yea" when their names are called and those opposed will answer "nay." The clerk will call the roll.

The Chief Clerk called the roll.

Mr. DAVIS. The Senator from Nevada [Mr. McCARRAN] and I would vote "yea" on this question. We are paired with the Senator from North Dakota [Mr. NYE], who, if present, would vote "nay."

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from Maryland [Mr. TYDINGS] are absent from the Senate because of illness.

The Senator from Nevada [Mr. McCARRAN] is detained on official business.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably absent.

The roll call resulted—yeas 37, nays 51, not voting 8, as follows:

Yeas—37: Adams, Barkley, Bone, Brown of Michigan, Brown of New Hampshire, Bulkley, Capper, Chavez, Clark, Copeland, Dieterich, Donahey, Duffy, Guffey, Hatch, Hitchcock, Johnson of Colorado, La Follette, Lee, Logan, Loneragan, McAdoo, McGill, Maloney, Minton, Murray, Neely, Pope, Schwartz, Schwollenbach, Smathers, Thomas of Oklahoma, Thomas of Utah, Truman, Van Nuys, Wagner, Walsh.

Nays—51: Andrews, Ashurst, Austin, Bailey, Bankhead, Berry, Bilbo, Borah, Bridges, Bulow, Burke, Byrd, Byrnes, Caraway, Connally, Ellender, Frazier, George, Gerry, Gibson, Gillette, Glass, Hale, Harrison, Hayden, Herring, Hill, Holt, Johnson of California, King, Lewis, Lodge, Lundeen, McKellar, McNary, Miller, Milton, Norris, O'Mahoney, Overton, Pepper, Pittman, Radcliffe, Reynolds, Russell, Sheppard, Smith, Steiwer, Townsend, Vandenberg, Wheeler.

Not voting—8: Davis, Green, Hughes, McCarran, Nye, Shipstead, Tydings, White.

The VICE PRESIDENT. On this motion the yeas are 37, the nays 51.

Two-thirds not having voted in the affirmative, the motion is not agreed to.

Mr. MINTON. Mr. President, as Senators know, I am one who has been interested in the passage of the antilynching bill. I heard the statement made by the distinguished leader, the Senator from Kentucky, [Mr. BARKLEY]. I regret that the situation in the Senate is as he has outlined it, but I think, in all fairness, it must be admitted that the leader has accurately described the situation. I am disappointed that the circumstances are such that it seems we will be unable to obtain consideration for the bill at the present session. I still entertain the hope, however, that we may yet, before we adjourn the present session, find it agreeable to take up the bill for consideration.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate, in order to vote on the nomination which we discussed yesterday, proceed with the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

FRANK S. PERKINS

The Senate resumed the consideration of the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is, Will the Senate advise and consent to this nomination?

Mr. BURKE. Mr. President, there was a very full discussion yesterday of the matter now under consideration—the suggested confirmation of a nominee for postmaster at Fremont, Nebr.—and I have no purpose to extend that discussion whatsoever. I note that there are some Senators present who were not here yesterday, and possibly have not had the opportunity to read the RECORD this morning, so I will simply summarize the facts. The present postmaster at Fremont, Nebr., is a man by the name of Frank W. Fuhlrodt. He was appointed postmaster of Fremont in 1920 by President Woodrow Wilson. For 17 years prior to that he had been connected with the Fremont post office, beginning as a clerk, and working his way up through every position in the post office, becoming assistant postmaster and later acting postmaster, and then in 1920, the district being represented by a Democratic Representative, the Honorable Dan B. Stephens, and Woodrow Wilson being President, a vacancy in the Fremont post office having occurred, Mr. Fuhlrodt took the examination, was No. 1 on the list, and was appointed postmaster. Upon the expiration of his term each succeeding 4 years he has been reappointed, regardless of whether the occupant of the White House happened to be a member of the Republican Party or of the Democratic Party.

Immediately prior to the expiration of his term in 1936, upon my recommendation, President Roosevelt sent the name of Mr. Fuhlrodt to the Senate, and the Senate unanimously confirmed him. I pointed out yesterday the reason why that was done. The chief postal inspector for that district, Mr. W. M. Coble, wrote to Mr. J. M. Donaldson, Deputy First Assistant to the Postmaster General at Washington, a letter which I read yesterday and to one sentence of which I will refer:

During his long tenure the Fremont post office has been considered a model of efficiency.

Mr. Coble protested very vigorously against the proposed removal of this high-class postmaster, who is a credit to the Post Office Department, because there were some political considerations involved not touching Mr. Fuhlrodt at all. No one has even hinted that he had ever taken any part in any political activities whatever. I brought the matter down to date by saying that in the last examination, less than 60 days ago, I believe, when the Fremont post office was examined by the two inspectors assigned to that work, they rated the office as very nearly perfect, 96.6 percent, and 98 percent in the custodial service, which is as near perfection as a post office ever attains.

I went into all that yesterday, and I will not go further in repeating it, except to say that I disagree fundamentally and completely with those who take the position that this is merely a question of determining whether the nominee is acceptable and that the Senate and the individual Senators have no right to go beyond that.

I make no contention against the man whose name appears as the nominee, but I say that every Senator must realize, and every person in the country who learns anything about the matter should clearly understand, that there is more involved in this case than the qualifications, whatever they may be, of the nominee, because there is involved also, and inseparably tied up with the vote about to be cast, the question of ousting from the position which he has held for more than 20 years, one of the most efficient postmasters in the entire country. There can be no legerdemain, no means by which there can be covered up the fact that a vote in favor of confirmation of the present nominee is at the same time fully and effectively a vote to oust this capable and efficient postmaster.

In closing these brief remarks I merely wish to say again that I absolve the Civil Service Commission from anything wrong in this matter. They were requested by the Post Office Department to conduct an examination, and, while the Post Office Department had a perfect right under the existing law to request a noncompetitive examination and retain this effi-

cient postmaster, they still had the right, under the law, as has been pointed out, not to do that, and to ask for a competitive examination; although, if they wanted to live up to the spirit of the law they would have no right to do that. They certainly had no right to do it on purely political grounds, as was done in this case.

Yesterday I read the letter of Mr. Donaldson in answer to the letter sent to him by the Chief Postal Inspector, in which Mr. Donaldson, Deputy First Assistant to the Postmaster General at the time, said, and I marvel at the frankness of his statement:

It is very likely that Mr. Fuhlrodt will make a grade sufficient to place his name among the first three—

He did. He was head and shoulders above anyone else when the examination was held—

and then consideration can be given to his appointment. However—

And this is the significant part—

However, the Department will consult Hon. James C. Quigley, of Valentine, Nebr., who is our adviser in this particular case.

The Honorable James C. Quigley is Democratic national committeeman and, until a few months ago, he held also the office of Democratic State chairman. So it is clear to everyone who has eyes to see or ears to hear that this is a purely political procedure from start to finish. Under all the circumstances I am perfectly willing to and accede gladly to the proposition that the department should not consult me and take my recommendation on these matters, but having in January of this year asked for my recommendation, and since I had given it to Mr. Fuhlrodt, I do not think it is quite fair to Mr. Fuhlrodt to say that because I recommended him, therefore he is not to be considered for reappointment; that he is not to be reappointed to the office which President Wilson gave him and all the succeeding Presidents, including President Roosevelt, have been glad to give to him. That is why I have made a vigorous protest.

I say to the Senate in all sincerity that that is about all there is involved in this case. If Senators think that a highly efficient, capable postmaster ought not to be continued in office because he was recommended by one who now does not stand in favor with the administration, of course Senators can vote to oust him by voting for the confirmation of the man whose nomination is sent to the Senate in his place.

In closing I repeat what I had to say about the Civil Service Commission yesterday. In an official bulletin, Form 2223, the Civil Service Commission says in reference to the manner in which nominees shall be selected—

In all cases selection for appointment shall be made with sole reference to merit and fitness and without regard to political or religious considerations.

To show how the Civil Service Commission has been attempting to live up to that declaration, which ought to have the hearty support of every Senator present who believes in the civil service, I refer to the case of Owen Sherick, Nankin, Ohio. Some time not very long ago there occurred a vacancy in that post office. The Post Office Department submitted to the Representative from that district, for a report, the names of the three high eligibles. The Representative wrote, no doubt, in the normal way to the political leader of the district. The political leader wrote back that the man who was third on the list, Mr. Sherick, was strictly a party man, and ought to have the appointment. In some way that statement of the political leader of the district to the Representative came to the attention of the Civil Service Commission, and formed the basis of the charge that political conditions had entered into the appointment. The Post Office Department argued that it did not know anything about the correspondence between the Representative and the political leader. In the present case the Department does not have that defense, because the Post Office Department itself conducted the correspondence with the political leader. However, in the prior case the Post Office Department said, "No; we did not know anything about that correspondence, or about the political

considerations which entered into the question, so we can do nothing about it."

The Civil Service Commission called the matter to the attention of the General Accounting Office, and said that political considerations had clearly entered into the making of the appointment, and that on that theory the General Accounting Office ought not to allow the postmaster's salary. That case involved a fourth-class post office. The General Accounting Office, after conducting an investigation, upheld the decision of the Civil Service Commission, but said there was nothing it could do about the matter, because under the law and the practice fourth-class postmasters are not paid by checks issued by the General Accounting Office. Their compensation comes out of their receipts. So the matter stood.

I refer to that case because it shows that the Civil Service Commission at least is making an effort to keep extreme political considerations out of these appointments. I very much doubt whether in the entire country there could be found a more perfect example for clearly drawing the line between those who want to enforce the merit system in the Postal Service and those who are willing to find some excuse, however flimsy, to take a different position and let the spoils system continue.

As the chief inspector said, to oust Mr. Fuhlrodt and select a successor to him would constitute a return to the old spoils system. This is a clear case, because the incumbent is a man who has held the office for a long time. It is not a case in which we are considering an eligible list of persons no one of whom has been in the Service. In such a case I should agree fully that we might properly say, "No. 2 or No. 3 on the list is a good man and, under the law, may be appointed. No. 1 may be a little better, but none of them has been in the office, and the nominating authorities have submitted the nomination of No. 2 or No. 3, and we will vote to support it." In such a case there would not be involved the ouster of a competent and deserving postmaster.

Mr. President, that is all I desire to say upon this subject. It seems to me this is a clear case in which every Senator who desires to extend the benefits of the civil service, and to uphold the claims that are made that we believe in the merit system in the Postal Service, ought to vote against confirmation.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the telegram, which I send to the desk.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FREMONT, NEBR., October 8, 1940.

HON. EDWARD R. BURKE,
United States Senator.

We admire and appreciate your stand on reappointment of Fuhlrodt. Sentiment here very strong for him. It is our hope that your colleagues will support you.

N. A. Allen, lumber and coal; Dr. Geo. A. Haslam; J. M. Sorensen, banker; W. R. Rowe, building and loan; Dean Leshner, newspaper publisher; F. L. Hintz, merchant; Geo. A. Sanderson, hides and wool; C. N. Johnson, laundry; Arthur Baldwin, real estate and insurance; E. M. Daniels, druggist; E. D. MacLeod, grocer; Lloyd Moffet, nurseryman; F. E. Gibson, investments; Wm. N. Mitten, banker; Frank Hammond, manufacturer; Emil Hahn, bakery; G. C. Courtright, hardware; R. A. Johnston, insurance.

Mr. McKELLAR. Mr. President, I have only a few words to say to the Senate concerning this nomination for postmaster.

I do not know any of the applicants. The nominee is one of the three highest eligibles. He was recommended by the authorities in the State of Nebraska. His name was recommended to the President by the Post Office Department, and the President has sent his name to the Senate in the usual way. He is the second man on the list.

Under the law the President has a right to select any one of the three highest eligibles. The authorities have the power to recommend any one of the three highest eligibles. The nominee is of the highest character; and that character was attested to time and again yesterday in the debate by the distinguished Senator from Nebraska [Mr. BURKE], who opposes the nomination. The Senator from Nebraska says the

nominee is an honorable man, an efficient man, and in every way worthy of the appointment.

Under the circumstances, I think it would be a very great reflection upon this man to reject his nomination simply because he was second on the list. We have been following a uniform practice under the present law for all these years. Why should we make an exception of this man? I doubt if there is a Senator on this side of the aisle who has not at some time recommended No. 2 or No. 3 on the eligible list. It is frequently done. There is never any contest about it.

Our committee has favorably reported the nomination of the man who was No. 2 on the list. He is a man of the highest character, a man of excellent fitness for the place; and I think it would be exceedingly discourteous, to say the least, to reject his nomination because he is not No. 1 on the list, when the law provides that any one of the three highest eligibles may be selected. I was not in favor of that law. I voted against it, but it is the law. Why should we single out this man at this late date in the session, after he has been nominated? Why should we single him out to make an exception?

When the matter first came up I asked the Senator from Nebraska if he had any personal objections to the man, and he said "No." As is well known, whenever a Senator has had personal objections to an applicant for office, or an eligible who is about to be appointed, I have always considered such objections. During my service as chairman of the Committee on Post Offices and Post Roads I do not think a single applicant has been appointed after a Senator had come to me and told me that he was opposed to him because of personal reasons. I hope Senators will not change the rule now. I hope the Senate will confirm this nomination.

It would not help Mr. Fuhlrodt a particle to reject the nomination, because the Department would probably submit another name. The Civil Service Commission might hold another examination. There is no reason for the Senator to expect that the rejection of the nomination would help his man. So it seems to me there is only one thing for the Senate to do, and that is to confirm the nomination.

I do not know any of the candidates for the position. I am told that Judge Quigley, chairman of the Democratic committee in Nebraska, is one of the very best men in Nebraska. He has recommended Mr. Perkins, and I see no reason under heaven why Mr. Perkins should not be confirmed. I see no reason why the man who has passed the examination, and who has been nominated in accordance with the law which we ourselves have passed, should not be confirmed. Although the law was passed over my protest, the Congress passed it; and I see no reason in the world why the nominee should be dishonored and humiliated and thrown out after he has received the appointment from the Executive Office.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CLARK of Missouri. A few moments ago the Senator said the nominee had been recommended by the authorities in Nebraska. It is perfectly apparent from the record which has been made in the Senate that the "authority" in Nebraska who recommended him was the Democratic national committeeman.

Mr. McKELLAR. Yes.

Mr. CLARK of Missouri. He is a most excellent gentleman. He happens to be a very dear friend of mine, for whom I have great respect and affection.

Mr. McKELLAR. I know him.

Mr. CLARK of Missouri. I should like to ask the Senator from Tennessee just what are the status, responsibilities, and duties of a national committeeman under the Constitution and the civil-service laws with regard to making these appointments which would lead a responsible department official to say that the adviser of the department on such matters is not one of the Senators from the State, not one holding a responsible position, not one who has taken an oath of office to support the Constitution, but the Democratic national

committeeman of the State, whose recommendation overrides the views of everybody else.

I wish the Senator to understand me. I have very great respect for Democratic and Republican national committeemen. I have been a party man all my life. I know that for many years the Senator from Tennessee was Democratic national committeeman in his own State, and probably still is.

Mr. McKELLAR. No; I am not now, but I have been.

Mr. CLARK of Missouri. The Senator from Nebraska himself was formerly national committeeman from Nebraska. He was elected at the primary election.

Mr. BURKE. Mr. President, will the Senator yield for a statement?

Mr. McKELLAR. I yield.

Mr. BURKE. The comment is very interesting. I was elected Democratic national committeeman in Nebraska in the primary in April 1936; and the only reason why Judge Quigley and I have not got along as well since is that he himself wanted to be national committeeman. When I ran for the place, he then ran for the nomination for United States Senator, but with the announcement that if he should win the Democratic nomination, and if my colleague [Mr. NORRIS] could be persuaded to run as an independent, he would advise all his supporters to support my colleague. Mr. Quigley came in second in the race for the Democratic nomination for United States Senator, and then actively supported the nomination of my colleague, as I am frank to say I did myself. That leads me to the point I was going to make, that, having been elected national committeeman, I found as my first duty it was necessary to say that I could not support the nominee of my party for the Senate, but would follow the recommendation of President Roosevelt and support my colleague, and, so, within 60 or 90 days after my election as national committeeman I resigned on that ground. An arrangement was made by the State committee that Mr. Quigley should be appointed national committeeman and he was appointed; but the judge and I have never gotten along so well since that time.

Mr. CLARK of Missouri. I can say to the Senator from Nebraska I have a very definite recollection of that, because Jim Quigley and I were sitting in Jim Farley's office in New York during the national campaign when Farley received a telegram from the Senator from Nebraska, announcing his resignation on the ground that he could not support the Democratic nominee for United States Senator against the distinguished senior Senator from Nebraska [Mr. NORRIS]. But I still would like to find out exactly what is the official status, under the Constitution or the civil-service law, of any of the excellent gentlemen who are national committeemen, and why, in consonance with any theory of the civil-service law, their recommendation should be taken over that of a Senator.

Mr. McKELLAR. I will be very happy to explain it if I can. Before doing so, since a little politics has been injected into the discussion, and my own status as a national committeeman has been referred to, I wish to say that I was elected by my party as national committeeman several years ago and served for a while. Then, at a very celebrated convention in my State, I was unanimously reelected, and perhaps reelected for a third time; but I rose and asked if they would not elect another gentleman, and they elected another in my place, a very much better man than I was. That is how I happen not to be national committeeman at this time. I retired from that office of my own volition.

But now, coming back to the question of the Senator from Missouri, he wants to know how it happens we have a recommendation from a national committeeman. That is rather involved, but I will give him what I understand to be the facts and the law about it.

In the first place, we had a real civil-service law under President Wilson, who selected, without regard to politics of any kind, the highest man on the list, whether he was a Democrat or a Republican. I recall very distinctly that a number of Republican postmasters were appointed in Tennessee under Mr. Wilson's administration, all of whom were

not only appointed by Mr. Wilson because they were first on the list but were confirmed by this body, of which I was a Member.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. Yes.

Mr. CLARK of Missouri. On that point I may say to the Senator that I have long been of the opinion that President Wilson's order contributed very greatly to the debacle that happened to the Democratic Party in 1920.

Mr. McKELLAR. I take a somewhat different view about it. I rather thought if we were to have a civil service at all in the selection of postmasters, which I doubted extremely, that was the best way to select them.

But the Senator from Missouri wants to know how it happens that the chairman of the State committee or the national committeeman has anything to do with such nominations. When Mr. Wilson went out of office in 1921 Mr. Harding succeeded him, and, in a very short time, under the law as this body helped to make it, Mr. Harding issued an Executive order under which any one of the three highest on the list could be selected. They were selected in Republican States by the Republican Senators or Republican Representatives, as the case might be, and, as a rule, about 95 percent, or, I imagine, 99 percent, were Republicans; practically all the post-office appointees were Republicans under the Harding, Coolidge, and Hoover administrations.

When the Democrats won, and Mr. Roosevelt was elected President, he merely continued the Republican order, and under that rule, which is the same as that in force under Harding, Coolidge, and Hoover, Senators or Representatives, or, in the event there is any trouble about the Representatives or Senators from a given State, either the national committeeman, or the chairman of the State committee make—

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield in a moment—make recommendations, and the name of the nominee recommended is sent to the Senate.

If the Senator will let me answer his question—and I will take but a moment—let us now come down to the instant case. The Senator from Nebraska [Mr. BURKE] recommended someone else than the present nominee. I have forgotten his name.

Mr. BURKE. Mr. Fuhlrodt, who has been postmaster for 20 years, and I made the recommendation at the request of the Department in January of this year.

Mr. McKELLAR. In the meantime, the Senator from Nebraska was not in favor in certain quarters. I regret that situation exceedingly, for I wish to say, and it gives me pleasure to say, that I regard the Senator from Nebraska, Ed Burke, as one of the finest men in this body; and I am devoted to him; I think he is a splendid, upright man, a man of high principles, high honor, and integrity, and I have nothing but the kindest feelings toward him; indeed, I am proud that we are exceedingly friendly. So that there is no question of that sort arising, and I am very sorry that this situation arose as to him.

But the Senator from Nebraska, after he had announced that he was for the Republican candidate for the Presidency and was undertaking to help the Republican candidate, under this order which the Republicans issued and which the Democrats have held in force, the question arose as to how postmasters in Nebraska should be appointed. To show the situation—and it is a very anomalous one—my good friend, the junior Senator from Nebraska [Mr. BURKE], who is a Republican, and who is supporting Wilkie, is for a Republican for reappointment to the post office in question, while my other friend from Nebraska—I do not see him present at the moment—

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield in a moment. My good friend, the senior Senator from Nebraska [Mr. NORRIS], who is a Republican—

SEVERAL SENATORS. Oh, no.

Mr. McKELLAR. He was a Republican, but is now an independent, and is supporting the administration.

Mr. CLARK of Missouri. If the Senator from Nebraska [Mr. BURKE] is a Republican, why is not the Senator from Nebraska [Mr. NORRIS] a Democrat?

Mr. McKELLAR. The senior Senator from Nebraska made a speech yesterday in favor of the man whose nomination for postmaster has been sent in. So they have peculiar politics in Nebraska. It is a little different from what we have in Tennessee. We do not have those kinds of differences. Of course, in that situation, a Democratic Postmaster General and a Democratic President have sent in the name of the nominee, and I want to say that under the circumstances I am strong for the man whose name has been sent in. I do not want to see him dishonored; I do not want to see him embarrassed, and I hope the Senate will overwhelmingly confirm his nomination.

Mr. CLARK of Missouri and Mr. BURKE addressed the Chair.

Mr. McKELLAR. I will yield to either Senator.

Mr. CLARK of Missouri. I merely wish to say that I have listened with great patience and anxiety for the answer of the Senator from Tennessee to my question. I have not heard any answer as yet from the Senator from Tennessee that touched my question, side, top, or bottom. What I asked the Senator was exactly what function, either under the Constitution or under any civil-service law or under any other statute, does the national committeeman of any party have? Of course, I am familiar with the practice, just as is the Senator from Tennessee, and I have been familiar with it for many years.

Mr. McKELLAR. It is a practice under the law.

Mr. CLARK of Missouri. But I have never yet until today seen an avowed statement by the acting or deputy First Assistant to the Postmaster General or any other responsible official, through an official communication that they were simply accepting the dictates of a man entirely outside the public service.

Mr. McKELLAR. If the assistant to the Postmaster General said anything like that he is wrong.

Mr. CLARK of Missouri. The Senator from Nebraska read his letter.

Mr. McKELLAR. That may be so, but he is mistaken about how it was done. It was done under the law the Congress enacted. It is not in the Constitution at all. The only thing in the Constitution which a great many people have been trying to remove from it for many years, on one pretext or another, and most of the Senators have voted to take it out of the Constitution, provides that officials of this kind shall be appointed by the President, by and with the advice and consent of the Senate. There are Senators on this floor who voted to modify the Constitution in that respect and who contended that first-, second-, and third-class postmasters were such tiny offices, so inconsequential, and so—

Mr. CLARK of Missouri. I hope the Senator is not shaking his gory locks at me.

Mr. McKELLAR. Just a moment—and so unimportant that they ought to be appointed by some inspector sent down from Washington to determine who should be the postmaster at Memphis, for instance. I remember several years ago when this same procedure was followed there was sent down a young fellow who had never been South before; I doubt if he had ever been out of Washington three or four times in his life; certainly he had never been over a hundred miles from Washington anywhere, as the facts showed afterward. He went to Memphis, and, as I recall the facts, on the train he met a gentleman. They engaged in conversation, and he said to the gentleman that he was going to Memphis to select a postmaster. The gentleman in question told the inspector that he himself would make a very fine postmaster. The inspector rather fell in love with the gentleman, and, lo and behold! he put him first on the list when he sent in the names. Of course the man was not appointed postmaster at Memphis; but if there had not been someone in this body to look after the matter, the people of Memphis would have had

a wholly incompetent and a wholly improper person as postmaster, because this man was put first on the list. It was a perfectly outrageous action.

So far as I am concerned, I think the old constitutional way is the best way of dealing with this matter. I want to say so to the Senator from Missouri [Mr. CLARK], because he believes in the Constitution just as I do, probably even more so than I do; or, at any rate, he talks more about it. [Laughter.] I have the greatest reverence for that document. I do not talk about it quite as much as does my good friend the Senator from Missouri, for whom I have the greatest admiration and esteem, and whose friend I really am, as he knows, and have been for 30 years. But the Constitution set out a pretty good way of selecting officers of this sort. They are to be appointed by the President by and with the advice and consent of the Senate.

Senators, while I have your attention today, let me say to you, what a foolish thing we do when we turn over to some clerk here in Washington, who perhaps has never been out of Washington, the important duty of selecting—take my own State as an illustration—a postmaster at Memphis, or at Chattanooga, or at Nashville, or at Knoxville, or any other city in my State. Who knows better about it—a clerk here in the Civil Service Commission, or we who perhaps live in the cities, we who have daily communication with the people there, we who know every man of any importance in those cities, and sometimes we know nearly all who are in them? I know a great many persons in the various cities of my State. I would rather have a Senator's recommendation; and it always gives me a great deal of pain when we do not have it.

I have a rule in my committee, as members of the committee know, that when a Senator says, "There is something wrong with that man; I do not want him appointed; he is not the kind of man who ought to be appointed; I have a real reason for opposing him"; his nomination has never been favorably reported by my committee in the 7½ years that I have been presiding over its deliberations; and I shall have to change my mind mightily before I vary from that practice. If the Senator from Nebraska will rise and say that this man is personally and politically offensive and objectionable to him, under the rule which has been maintained in the Senate for 150 years, he will not be confirmed. I will vote with the Senator from Nebraska against his confirmation.

Mr. BURKE rose.

Mr. McKELLAR. Does the Senator from Nebraska want me to yield to him? Some Senator wanted me to yield a moment ago.

Mr. GILLETTE. Mr. President—

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. Yes; I do.

Mr. GILLETTE. I suggest that the Senator from Nebraska [Mr. BURKE] go ahead first.

Mr. McKELLAR. Does the Senator wish to ask me a question, or does he desire the floor? I am through.

Mr. BURKE. I was challenged to make a statement, and I wanted to respond to the challenge.

Mr. GILLETTE. I wish to ask a question.

Mr. McKELLAR. Let me yield first to the Senator from Nebraska, as he is so much interested. Then I will immediately yield to the Senator from Iowa.

Mr. BURKE. Mr. President, before propounding a question, let me say that I very much appreciate the kind words the Senator spoke, and I know he does not speak that way unless he feels that way. I shall treasure those words very greatly always. I should say on that subject, also, that I served for a brief period of a year or two on the Senator's committee; and both then and since I have marveled at the extreme courtesy and efficiency with which the Senator presided over that committee.

Mr. McKELLAR. I regret that the Senator from Nebraska did not continue to serve on it.

Mr. BURKE. The Senator from Tennessee is entirely correct in saying that whenever any Senator let it be known to

the chairman of the committee that a nomination was obnoxious to him, that the nominee did not have the necessary qualifications, or anything else, so far as my experience goes, the name has never come out of the committee.

This case, however, as we can realize, is a little different. I have nothing of that kind to say against this nominee. As I said yesterday, he is my friend much more closely than is Mr. Fuhlrodt. In fact, I hardly know Mr. Fuhlrodt. I could not go before the committee or on the floor of the Senate and say any word in disparagement of this nominee; but it seemed to me very clear that this was a matter which ought to be presented to the Senate: Are we obliged, as individual Senators, under our oaths of office, to vote to oust a thoroughly competent postmaster who has served long and faithfully just because the Department has seen fit in a particular case to ask the advice of a political leader who, in this case, acting solely and wholly for political reasons—and I am not saying anything against him; he has been my friend for a long time—recommended the ousting of this efficient postmaster?

The Senator says, "Think of this poor nominee. What an affront it will be to him, how much it will hurt his feelings, if he is not now confirmed." Well, if it will be an affront to the nominee not to be taken out of his private business and installed in the post office, how badly will the incumbent postmaster feel if he is displaced when he has devoted his whole life to the service of the post office in that community—from 1903 to the present day—and has made it an outstanding example, which the Senator from Tennessee himself, if he were familiar with it, would be proud to hold up to all other postmasters over the country.

I say that we cannot concentrate our gaze upon the disappointment that would come to the nominee and forget altogether the interests of the service and the feelings that would exist not only in the breast of this postmaster, who has served long and faithfully, but of all the other postmasters throughout the country who would be familiar with the case and who would realize that, if the way should ever open, they, too, would be thrown out in order to let a political appointee come in.

Mr. McKELLAR. Mr. President, let me answer the Senator from Nebraska, and then I will yield to the Senator from Iowa [Mr. GILLETTE]. I take great pleasure in answering him.

We are not ousting Mr. Fuhlrodt. Mr. Fuhlrodt's term has expired. Suppose something should happen in Tennessee, and the people should refuse to send me back to the Senate on the 5th of November. I hope to Heaven they would not. I do not believe they would, but they might.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. McKELLAR. In a moment. Anything is possible in politics. If they should, the Senate would not be ousting me if I should appear here on the third of January and want to continue to occupy my seat in this body. My term would have expired; and that is all that has happened to Mr. Fuhlrodt. His term has expired under the law which we passed. His term is out, and he is an applicant for reappointment. He has not been reappointed, but another man has been appointed.

There is no reason why Mr. Fuhlrodt should feel unkindly toward anybody. He should not feel disappointed in any way. He has not been removed; he simply has not been reappointed. Another man has been appointed by the President, and his nomination is now here for confirmation or rejection.

I do not think the nominee—I do not recall his name; I do not happen to know him—

Mr. BARKLEY. Mr. Perkins.

Mr. McKELLAR. I do not think Mr. Perkins, after being appointed under the law we passed, should be subjected to the shame and humiliation of having his nomination rejected by this honorable body.

Mr. GILLETTE. Mr. President—

Mr. McKELLAR. I yield to the Senator from Iowa.

Mr. GILLETTE. I have been following very closely the remarks of the distinguished Senator from Tennessee. I was interested first in his statement that the President, following

his undoubted right under the law, has sent to the Senate the nomination of one who was second or third on the list. There can be no criticism of the President for sending in the nomination. I am sure there is no criticism of the distinguished chairman of the Committee on Post Offices and Post Roads, or of his committee, no objection being made to the character or efficiency of the nominee, for reporting the nomination to the Senate for confirmation. But the Senator referred to another factor which had entered into this situation, which was the position in which the Senator from Nebraska [Mr. BURKE] has placed himself by some attitude he has taken with reference to the pending Presidential campaign.

I desire to ask the Senator from Tennessee a question. When Senators are asked to exercise their constitutional right and duty to advise and consent to nominations, the Senator does not mean to suggest, does he, that it is necessary for us, in the exercise of that duty, to take into consideration factors such as he suggested; that we do not have a perfect right to reject factors of that kind, and vote under our constitutional duty as to rendering our advice and consent? The Senator does not mean to suggest that; does he?

Mr. McKELLAR. Indeed, I do not. As all Senators know, I have been a Member of the Senate for a long time. I do not believe, taking the Senate as a whole, there is a greater body of men on earth than the body of which we are Members. Individual exceptions come and go, as we all know, but as a rule a Senator of the United States is a man of the highest character and standing, and of the highest and most stable independence. Taking them by and large, they try to do what is right; they try to do their duty conscientiously. The Senator from Nebraska [Mr. BURKE] is exercising a right which he has in this body. Of course, he has a right to take the stand he has taken. We do not have to take anyone's recommendation. But in this particular case I am compelled to think that the junior Senator from Nebraska is not correct in the position he takes about this nomination. I think the nomination should be confirmed.

Mr. KING. Mr. President, will the Senator yield?

Mr. McKELLAR. The Senator from Connecticut has been on the floor asking me to yield for some time. I will yield to the Senator from Utah immediately after answering the Senator from Connecticut.

Mr. DANAHER. I thank the Senator from Tennessee, but I will take the floor for a few minutes after he concludes.

Mr. McKELLAR. I yield to the Senator from Utah.

Mr. KING. In view of the interpretation which the Senator places upon the law—and I will say that I do not place upon it the same interpretation he does—I should reach the conclusion, after hearing the debate and listening to the comments which have been made and the testimony which has been offered, relative to the long and distinguished service of the present incumbent of the post office at Fremont, that he is a better man for the position than is Mr. Perkins.

Mr. McKELLAR. How often we have heard the same expression in another connection.

Mr. KING. Does the Senator take the view that it would be my duty to vote for Mr. Perkins as against the other man?

Mr. McKELLAR. The Senator is not voting, let me explain—

Mr. KING. We are to vote on a nomination.

Mr. McKELLAR. The Senator is not voting for or against the other man.

Mr. KING. I understand.

Mr. McKELLAR. He is voting for or against the nominee, against whom not one single scintilla of criticism has been aimed. This nominee is absolutely all right, and no one has testified more strongly to that fact than has the junior Senator from Nebraska, who is opposing his nomination. It is not a question whether the postmaster whose term has expired is to receive the postmastership at Fremont, Nebr. It is a question whether the man who has been recommended by the President of the United States shall be confirmed.

Mr. KING. Then, the Senator takes the position, if I understand him correctly, that we are not free agents, that whenever a man is recommended who has a good character, it

is our duty to vote for him, though we believe that another man who took the examination and who had a higher rating is a better man, and we are convinced that he would make a better postmaster, and that it would be a grave injustice to oust him after his long years of service. The Senator takes the position, as I interpret his observation, that we are not free agents, but that we are bound to take the recommendation of a politician in the State, who is the national committeeman, and the recommendation of the President of the United States. I do not assent to that view at all. I shall exercise my own judgment, and my opinion is that Mr. Fuhlrott is the better man, and that he is entitled to the position. I shall vote against the confirmation of Mr. Perkins.

Mr. McKELLAR. Mr. President I have taken no such position as that attributed to me by the Senator. The Senator has a perfect right, if he believes as he has stated, to vote as he has indicated. I am not questioning his right in the slightest. If the Senator feels that he should vote against a good man, a man who everyone admits is a high class, honest man, who will perform the duties of the office well, that is a matter for the Senator to determine. It is one of the fine things about this body that a Senator can vote just as he honestly and conscientiously feels he should vote. I just differ with the Senator. I do not know anything about either of these men, but certainly the nominee is a good man, and, as I look at it, we are not voting for or against the present postmaster at all. His term has expired. We are voting to fill the place.

Mr. DANAHER. Mr. President, during the past half hour or 40 minutes I have come over as close as I could to the Democratic side to find out just how the gentlemen on the other side of the aisle handle these matters, because after November 5 I shall want to know how, I suspect. [Laughter.]

Mr. WAGNER. November of what year? [Laughter.]

Mr. McKELLAR. I am afraid it will not do the Senator much good, from what I hear.

Mr. DANAHER. The Senator from Tennessee has pointed out one cog in the inner mechanics of the procedure that was certainly novel to me. I had never heard of the doctrine that the national committeeman comes into the picture only when there is trouble, as the Senator used the word, between Senators and Representatives with reference to nominees. That was a new touch, a new angle. I am glad the Senator made that clear.

Mr. McKELLAR. I am afraid I did not make it clear, if the Senator understood me in that way.

Mr. DANAHER. That is what I understood.

Mr. McKELLAR. The Senator will probably remember very well a gentleman I have in mind, because he was a very fine and an excellent man. We had in Tennessee a man by the name of J. Will Taylor, who was a Republican national committeeman. Unfortunately, he passed away a year or two ago. He was a Republican from Knoxville, and he was Republican national committeeman. He was the leader of his party in Tennessee, and under the Republican administration he appointed not only every postmaster in Tennessee, but he appointed every other Federal official. That was the system which existed under Republican rule, and, so far as postmasters were concerned, it was continued under the present administration.

Mr. DANAHER. Did he have any Republican Senators to whom he could turn for advice?

Mr. McKELLAR. Occasionally he did. He had one for a while, but I do not think he paid much attention to him, because he himself had the Senator appointed. [Laughter.]

Mr. DANAHER. Mr. President, without going too far into the inner workings in Tennessee, which, so far as I am concerned, appears as one of the States of the Southland administered very ably, I take it, by the senior Senator from Tennessee and by Mr. Crump—

Mr. McKELLAR. How did the Senator describe the State?

Mr. DANAHER. I said of the Southland. Of course, there is one other angle to this matter, as has been pointed out by the Senator from Nebraska, about which I wish to remark.

It is not a case merely of our considering the nomination of Mr. Perkins or of our retaining the incumbent, whose name eludes me. No; the fact remains that it becomes perfectly patent from the statement of the Senator from Nebraska that people in high places have been playing politics with an appointment, and the Senate of the United States is now asked to place its official seal of approval on those tactics and on that practice.

When we undertake to proceed on the theory that we have passed merit acts, that we are administering the law and considering appointees on the basis of merit, it is perfectly apparent that there is another issue here to confront the Senate. In this thought, and with this observation, I rise to call to the attention of the Senate a case which will be found discussed in the CONGRESSIONAL RECORD of April 26, 1940, page 5084. At that time I introduced all the correspondence I had with reference to a matter in Connecticut, the appointment of the postmaster at Southport.

Mr. President, I did not lay the case simply before the Postmaster General, I submitted all the facts to the White House. I asked right then and there, and directly, since this was a Presidential appointment, whether or not we were to regard merit in the administration of the law. The very principle involved in the Fremont, Nebr., postmastership was involved in the Connecticut case.

In 1933 when the Republican incumbent of the post office was ousted and a competitive examination was called for, the only person who passed the examination was a Republican. He was not appointed. A new examination was held the next year, and the only one who passed the examination was a Republican. But a new temporary Democratic appointee was put in then, and his name was not submitted for confirmation because he could not pass the examination. That went on every year, and there were six temporary appointees, until finally in March 1940 they managed to find a Democrat who passed, and this time promptly the name was submitted for confirmation. After 6 long years of struggle and effort to get merit in the post office, when the only man passing the examination year in and year out was the Republican incumbent, this year they dug up a dentist from some place who made a mark of 73, and though the Republican's mark was 86, he did not get the job.

Mr. President, if that is the way the administration of the merit system in the appointment of postmasters is being conducted under present auspices, then I submit there is a principle that has been raised by the Senator from Nebraska to which we should all give heed, and he is entitled to our support on the record he has made in this case.

I ask the Senator from Tennessee a question. Not knowing Mr. J. Will Taylor, and intending no reflection whatever on the conduct of his office as national committeeman in Tennessee, will not the Senator from Tennessee agree that a principle is involved here that is independent in every way of who the nominee is?

Mr. McKELLAR. Oh, no.

Mr. DANAHER. Why not?

Mr. McKELLAR. It is merely a question of who is confirmed at this time. I desire to ask the Senator about the celebrated case in Connecticut. Did the Senator ever bring it up before the appropriate committee? Did he ever file a protest indicating that the man who was appointed was unworthy of the position and should not be appointed, and that he had personal objections to the appointment?

Mr. DANAHER. Mr. President, the Senator knows very well that I did not represent that the man was unfit, or that he was obnoxious to me, or that I had any personal objection to him. I discussed the matter fully with the chairman of the committee, however, and the RECORD, at the pages to which I referred, is full of the correspondence I had, in which I pointed out the way the merit system was being abused. I submit, Mr. President, that that again is the issue in this particular situation, which the Senator from Nebraska has pointed out.

Mr. BARKLEY. Mr. President, this debate was conducted yesterday for about two hours and a half, and at the last very

few Senators were present, and if the debate is now continued much longer we again shall find very few Senators present.

In response to the outburst of political virtue which we have just heard from the Senator from Connecticut because of some postmastership in his State, I wish to offset that case with a very brief recital of a postmastership which became vacant in the State of Kentucky under President Coolidge. An examination was held, and there was only one Republican who took it, and he made a grade of 54. Of course, that grade was not sufficient to entitle him to fill the office, because he had to have a grade of, I think, 70. Pressure was brought on Washington, and he was finally dug up from a grade of 54 and given a passing grade, and was appointed to the office. I will let that case cancel out the incident referred to in the State of Connecticut, and we may go on now to the disposition of this particular appointment, and I hope we may have a vote on it.

Mr. BURKE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	Reed
Andrews	Clark, Idaho	Herring	Russell
Ashurst	Clark, Mo.	Holt	Schwartz
Austin	Connally	Johnson, Calif.	Schwellenbach
Bailey	Danaher	Johnson, Colo.	Shipstead
Barbour	Davis	King	Stewart
Barkley	Ellender	McKellar	Thomas, Okla.
Bone	George	Maloney	Thomas, Utah
Bridges	Gerry	Minton	Townsend
Bulow	Gibson	Murray	Van Nuys
Burke	Gillette	Norris	Wagner
Byrd	Glass	O'Mahoney	Wash
Byrnes	Green	Overton	Wheeler
Capper	Gurney	Pepper	White
Caraway	Harrison	Radcliffe	Wiley

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present.

The question is, Will the Senate advise and consent to the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr.?

Mr. BURKE. I ask for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I transfer that pair to the Senator from Alabama [Mr. HILL], and will vote. I vote "yea."

Mr. STEWART (when his name was called). I have a general pair with the Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the Senator from Arkansas [Mr. MILLER], and will vote. I vote "yea."

The roll call was concluded.

Mr. McKELLAR (after having voted in the affirmative). I am recorded as voting "yea."

The PRESIDING OFFICER. Yes.

Mr. McKELLAR. I desire to change my vote to "nay."

Mr. MINTON. I announce that the Senator from Kentucky [Mr. CHANDLER] is absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Arizona [Mr. ASHURST], the Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senators from Mississippi [Mr. BILBO and Mr. HARRISON], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senators from West Virginia [Mr. HOLT and Mr. NEELY], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senators from Illinois [Mr. LUCAS and Mr. SLATTERY], the Senators from Nevada [Mr. McCARRAN and Mr. PITTMAN], the Senator from New York [Mr. MEAD], the Senator from Arkansas [Mr. MILLER], the Senator from Georgia [Mr. RUSSELL], the Senator from Texas [Mr. SHEPARD], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from

Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Montana [Mr. WHEELER] are necessarily absent.

Mr. AUSTIN. I announce the following general pairs:

The Senator from Oregon [Mr. McNARY] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Michigan [Mr. VANDENBERG] with the Senator from Pennsylvania [Mr. GUFFEY];

The Senator from Idaho [Mr. THOMAS] with the Senator from Delaware [Mr. HUGHES];

The Senator from Ohio [Mr. TAFT] with the Senator from New York [Mr. MEAD];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Illinois [Mr. LUCAS];

The Senator from North Dakota [Mr. NYE] with the Senator from New Jersey [Mr. SMATHERS];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Mississippi [Mr. BILBO];

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Mississippi [Mr. HARRISON];

The Senator from New Hampshire [Mr. TOBEY] with the Senator from New Mexico [Mr. HATCH]; and

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. CHANDLER]. These Senators are necessarily absent.

The result was announced—yeas 24, nays 27, as follows:

YEAS—24

Barkley	Ellender	Murray	Schwartz
Bone	Green	Norris	Schwellenbach
Byrnes	Hayden	O'Mahoney	Stewart
Caraway	Herring	Overton	Thomas, Okla.
Chavez	Maloney	Pepper	Thomas, Utah
Clark, Idaho	Minton	Radcliffe	Wagner

NAYS—27

Adams	Clark, Mo.	Glass	Shipstead
Austin	Connally	Gurney	Townsend
Barbour	Danaher	Johnson, Calif.	Van Nuys
Bridges	George	Johnson, Colo.	Walsh
Burke	Gerry	King	White
Byrd	Gibson	McKellar	Wiley
Capper	Gillette	Reed	

NOT VOTING—44

Andrews	Frazier	Lodge	Sheppard
Ashurst	Guffey	Lucas	Slattery
Bailey	Hale	McCarran	Smathers
Bankhead	Harrison	McNary	Smith
Bilbo	Hatch	Mead	Taft
Brown	Hill	Miller	Thomas, Idaho
Bulow	Holman	Neely	Tobey
Chandler	Holt	Nye	Truman
Davis	Hughes	Pittman	Tydings
Donahey	La Follette	Reynolds	Vandenberg
Downey	Lee	Russell	Wheeler

So the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., was rejected.

Mr. BURKE. Mr. President, I move to reconsider the vote by which the nomination was rejected.

Mr. CLARK of Missouri. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

LEGISLATIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ACTIVITIES OF FOREIGN AGENTS AFFECTING NEUTRALITY

Mr. CLARK of Missouri. Mr. President, I give notice that as soon as I can obtain the floor it is my intention to move to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the consideration of Senate Resolution 186, known as the propaganda resolution.

FIFTY-YEAR ANNIVERSARY OF THE PATERSON (N. J.) EVENING NEWS

Mr. BARBOUR. Mr. President, the Paterson Evening News of Paterson, N. J., is this year celebrating the completion of 50 years of conscientious and constructive service for the people of the North Jersey and metropolitan area. Recently there was issued a golden-anniversary edition of this great newspaper. It included 260 pages of news, history, and tributes,

printed on gold-colored paper, an edition which was hailed by the Library of Congress as remarkable and outstanding.

The publisher of the Paterson Evening News when it was founded in 1890 was E. B. Haines. He dedicated himself to making Paterson a more prosperous and a happier city, and he promised that the newspaper would be clean, progressive, and "a leader in the procession." So it has been, and the principles of the father have been carried out by his son, Harry B. Haines, the now publisher.

I have a deep personal interest in the News and its publisher because of my own intimate association and that of my father and my grandfather before me, and also in Paterson and its people and industries; and I believe the News' anniversary merits national recognition being accorded it, which I seek to give it in this manner on the floor of the Senate.

A RETURN TO LAW—ADDRESS BY HON. WILLIAM S. CULBERTSON

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by William S. Culbertson, recently Ambassador to Chile and a former member of the Tariff Commission, a member of the Pennsylvania Bar Association and the Franklin County Chapter of the American Bar Association, before the meeting of the American Bar Association at Philadelphia, Pa., September 10, 1940. The address, entitled "A Return to Law," is a careful analysis of the existing neutrality legislation in view of present-day trends of foreign affairs. I also ask that it be referred to the Committee on Foreign Relations.

There being no objection, the address was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

A RETURN TO LAW

Address by William S. Culbertson, chairman, Franklin County, Pa. Meeting of the American Bar Association at Philadelphia, Pa., Tuesday morning, September 10, 1940

I

The Pittman Act, approved November 4, 1939, is a product of two conflicting currents of public opinion in the United States. The first, a desire to stay out of war, a sort of negative peace sentiment interested in nobody's peace except our own. This segment of American opinion could not be described as in favor of neutrality, for the law of neutrality contemplates not only an effort to keep the Nation at peace but also a determination not to be imposed upon by nations at war. The second current of opinion was a desire to help the British Empire and France in their struggle against the totalitarian powers; a belief, vague at first but growing in aggressiveness as time goes on, that we are concerned with the outcome of the present European conflict.

These inconsistent forces produced a strange hybrid in legislation. In response to the second current of opinion, it raised the arms embargo, and, as a result, American industry has become a powerful, possibly a decisive factor in the war. In response to the first current of opinion the act imposed other embargoes making it unlawful:

"For any American vessel to carry any passengers or any articles or materials to any state named in such proclamation."

To export or transport to such state articles or materials "until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national."

"For any citizen of the United States or any American vessel to proceed into or through any such combat area."

"For any citizen of the United States to travel on any vessel of any state named in such proclamation."

"For any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, * * * or to make any loan or extend any credit * * * to any such government."

The Pittman Act raised the arms embargo in the name of a return to accepted principles of international law. It then by unilateral action adopted for ships, citizens, and credit the same sort of restrictions which it had abandoned for arms.

This act which tries to legislate the American people into isolation pays word tribute in its preamble to international law by saying that the "United States waives none of its own rights or privileges, or those of any of its nationals, under international law, and expressly reserves all the rights and privileges to which it and its nationals are entitled under the law of nations."

With the exception of the period of the Jeffersonian embargo, we have insisted upon the centuries-old principles of international law. Perhaps, today, some limitations should be imposed by rules and regulations promulgated by the Executive. But in general, the old principles are more in keeping with our national prestige than are the prohibitions imposed on American citizens by the Pittman Act. As we repealed the arms embargo, should we not now abandon "cash-and-carry neutrality" and, under suitable regu-

lation, lift the prohibition against the movements of our ships and against financial transactions? If one wants to be cynical, it is easier for us to be unneutral under the old laws of neutrality than under the Pittman Act.

II

Mr. Chairman, your Committee on the Rights and Obligations of Neutral States, of which I am chairman, has watched the changing international scene with misgivings. "It is pretty hard," one member of the committee writes me, "to resist the feeling, in view of the European scene at the present time, that any nation would be justified in ignoring the laws of neutrality if they interfered with any important legitimate interest." Another member of the committee writes: "The position of our own Government is so ambiguous at the present time as to make any discussion of the subject not only difficult but embarrassing. While we have formally proclaimed a half dozen times in our neutrality proclamations our adherence to the laws of neutrality and enjoined upon all citizens the duty to observe them under pain of the penalties prescribed by the statutes, Government officials themselves are ignoring the laws and proceeding to follow the President's policy of adopting all measures short of war."

Nations at war have rights and obligations; nations not at war have rights and obligations. These rights and obligations still make up a great body of law—a part of the common law of nations. It is unfortunate, although perhaps natural, that in a period of violence and international crime we hear it said that international law does not exist. Even lawyers and professors of law fall into this weakness. The Attorney General is harassed to find ways within the law by which we can be unneutral. Opinions are written to excuse policies which violate the law of nations. But even today in spite of it all international law governs the relations of state and nationals in more cases than the Cassandra of international law suspect.

In a time of crisis such as the present the lawyer's first concern is to reaffirm the existence and the nature of the law of nations. "International law," as our Supreme Court has stated, "is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for their determination" (159 U. S. 113). Cf. *The Paquete Habana* (175 U. S. 320). We have had in this country a long and enviable record in the maintenance of the principles of international law and not the least of the agencies contributing to this end has been the section on comparative and international law of the American Bar Association over which you preside, Mr. Chairman.

A subdivision of this law of nations is the law of neutrality. "The law of nations," Chief Justice Marshall said, "is the great source from which we derive those rules, respecting belligerent and neutral rights, which are recognized by all civilized and commercial states throughout Europe and America. This law is in part unwritten, and in part conventional" (9 Cranch. 191).

III

At the close of our Civil War the American Government complained that Confederate cruisers, operating against northern commerce, had used British ports. We claimed damages against Great Britain. The result was the Treaty of Washington, 1871, under which the *Alabama* claims were submitted to arbitration. The three rules to guide the arbitration were:

A neutral government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.¹

The Geneva tribunal awarded the United States the sum of \$15,500,000 for damages done to its commerce by the *Alabama* and sister ships, on the ground that "the British Government failed to use due diligence in the performance of its neutral obligations."²

The Geneva award created great discussion among international lawyers and a few years later, in 1875, the Institut de Droit International voted that the three rules of the treaty of Washington were declaratory of the law of nations.³

The rules were incorporated in the Hague Convention of 1907 concerning the rights and duties of neutral powers in naval war.

IV

Article VI of the Constitution of the United States provides that "all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land."

¹ See American Journal of International Law, July 1940, p. 505.

² Moore, International Arbitrations, vol. I, p. 550.

³ Ibid., p. 655.

⁴ Annuaire de l'Institut de Droit International, vol. I, pp. 139-140.

The Hague Convention, 1907, ratified by the United States, provides as follows:⁵

"ART. 6. The supply, in any manner, directly or indirectly, by a neutral power to a belligerent power, of warships, ammunition, or war material of any kind whatever is forbidden.

"ART. 8. A neutral government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a power with which that government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war."

During the World War No. I an American shipbuilding company undertook to build a number of submarines for one of the Allies, but when the matter was brought to the attention of the American Government the deal was called off. The following official statement regarding the incident was issued by the Secretary of State on December 7, 1914:

"When information reached the State Department that the Fall River Co. was planning to build a number of submarines for one of the Allies, inquiry was made to ascertain the facts. As a result of the inquiry, Mr. Schwab called at the State Department last week with his attorney and laid before the Department what his company had planned to do, stating that before undertaking the work he had secured the opinion of a number of international lawyers and was keeping within the requirements of neutrality as outlined by them.

"I stated to him that the President, basing his opinion upon information already obtained, regarded the work, as contemplated, a violation of the spirit of neutrality, but told him I would lay his statement before the President, and then give him a final answer.

"On Friday I had a conference with the President, and he instructed me to inform Mr. Schwab that his statement only confirmed him in the opinion previously formed that the submarines should not be built. Within a few minutes after my return from the White House, Mr. Schwab called me by long-distance telephone and told me that he submitted to the President's views of the subject, and that I could announce that his firm would not build submarines for any belligerent country for delivery during the war. This closes the submarine incident."

L. H. Woolsey has recently summed up the law on this point as follows:⁶

"In regard to the sale of vessels equipped for carrying on hostilities, the legal situation does not admit of much doubt. The principles go back to the three rules of the arbitration of the *Alabama* claims against Great Britain (1871) in which the tribunal awarded the United States some \$15,500,000 damages against Great Britain on account of the depredations of the *Alabama* and certain other Confederate cruisers fitted out in British ports. These rules were to the effect that a neutral must use due diligence to prevent a belligerent from receiving an augmentation of naval strength within its territorial jurisdiction. These rules were substantially carried over into Hague Convention XIII of 1907 and have long been a part of the neutrality laws of the United States, a violation of which is a crime punishable by fine or imprisonment, or both, and confiscation of the vessel involved. It is clear, therefore, that the sale of the torpedo boats would have been a serious violation of international law as well as the laws of the United States."

v

Now, I am not presenting an argument against the barter of the 50 destroyers for the leases on British territory off our Atlantic coast. I recognize that this seems to be justified as a measure of self-defense. It is in line with our policy to strengthen the British buffer between us and the force politics of Germany. I am as anxious as any other American to see Great Britain succeed in her defense. But I am speaking to you as a lawyer and I do not think that pretense and hypocrisy help in the preservation of respect for law. Perhaps we should, in a world of aggression and undeclared wars, adopt an opportunist policy which would allow us to do anything that we wish to accomplish as our objective. But I don't want it done under the fiction of a tortured law of neutrality. I want to save the British Empire, but I want to save law, too. If one law or treaty can be explained away for a good cause, another law or treaty can be explained away for a bad cause.

Therefore let us not try to justify our unneutral acts by law. Let us rather say frankly that we are not neutral; that we are not governed by the accepted rules of neutrality; that we are released from doing so by the violence and the illegality of Germany and her associates, and that we feel free to take such steps as are necessary to preserve our territory, our institutions, and our way of life.

This is the honest attitude to assume, and it is an attitude which leaves law outside the conflict, as it were, to resume its onward progress when the world community returns to sanity.

⁵ The American Journal of International Law, July 1939, p. 235 and p. 249.

⁶ The Washington Post, December 8, 1914, p. 3.

⁷ American Journal of International Law, July 1940, p. 503. See also American Journal of International Law, vol. 9 (1915), p. 177; also Charles Fenwick, Neutrality Laws of the United States, 1913.

vi

In a community of sovereign states the right of a state to enact legislation to protect its neutrality, as it conceives it, or to strengthen its defense and security, must be conceded. This is true even if such legislation deprives its nationals of rights which the law of neutrality recognizes as theirs. But such legislation does not create international law or affect rights beyond the territorial jurisdiction of that state. Outside the area of its national control a state's legislation has no effect upon other neutrals or belligerents, nor is it to be construed as an abandonment of the rights which its citizens would have under the law of nations in the absence of the restrictive legislation.

But from a practical point of view your committee, Mr. Chairman, recognizes that unilateral national legislation, like the Pittman Act, declarations such as the final act of the Panama Conference, 1939, the resolution of the Habana Conference, 1940, and even violations of the law of nations in time of war are possible indications of the growth and evolution of law. In an address which I made a little over a year ago at the fortieth conference of the International Law Association at Amsterdam, I pointed out how economic policies and national legislation "when grounded in sound principles (that is, principles essential to a system of law by which the community of nations can live and progress) gradually assume the character of international common law." During the progress of the present conflict in Europe conditions will, as they have in the past, tend to emphasize extensions and even changes in the law of nations. In the field of domestic law growth and evolution come through legislation and through the decisions of courts. In international law changes are often foreshadowed by national legislation and declarations which are contrary to practices which have existed up to that time, or even by the refusal of nations to recognize accepted principles of international law.

It will therefore be of interest to lawyers and to others interested in the law of nations to consider in what way conditions may now be contributing to the growth and evolution of the law of nations, particularly the law of neutrality. My committee, Mr. Chairman, will at later meetings of this section have observations to submit on the effect on international law of events and declarations in Europe, in Asia, and in the Americas.

Moreover, we may hope that neutral states will in the present world crisis assert more affirmatively their rights and meet more insistently their duties. They have a right to a world of peaceful commerce and order; they have a duty to isolate, and, if possible, prevent armed conflict. I recognize that here are objectives beyond the scope of the committee's assignment, but we will carry out our more limited activities in the spirit of these larger objectives which should now dominate the policy of neutral states. Beyond the scenes of violence we see shaping the law of the still shadowy conception of the world community.

vii

Mr. Chairman, I am also serving as chairman of the section's committee on the restatement of international law. This committee has not been active this year because, I might say cynically, it is not possible to restate an avalanche! The real reason is that in a former report to the section we went as far as we could under the limitations imposed upon us. We said in our report:⁸

"The committee has confined its activities to cooperating with agencies already engaged in the work of the restatement of international law, particularly with the committees of research in international law of the Harvard Law School.

"At a committee meeting last winter in Washington, D. C., it was decided to advise the section that it recommend to the American Bar Association that the latter cooperate in the reprinting and distribution to the members of drafts of conventions prepared for the codification of international law by the Harvard research committees. The committee recommends that only the text of draft conventions be printed, each in a separate pamphlet. Members interested in more details may examine for further study the notes, references, and discussions in the copies of the American Journal of International Law in which they were first published. Permission is granted by the American Society of International Law to reprint the draft conventions, and it is believed that funds will be made available for the reprints in case the American Bar Association will undertake their distribution."

Since the section last met, an event of great importance to the restatement and evolution of law has occurred; I mean the signing of the constitution of the Inter-American Bar Association at the Eighth American Scientific Congress on May 16, 1940 (249437-19141 Government Printing Office, 1940). The secretary general of the association is our chairman, Mr. William Roy Vallance.

We emphasize in this section the contributions to our system of law of the lawyer, in government and in private practice, who deals with practical cases. The Inter-American Bar Association gives organized form to this influence in the Americas. It may help to redress an over-emphasis which now exists in inter-American legal discussions of the academic and political points of view. Take, for example, the law of diplomatic protection. Politics in many Latin American countries has distorted and even destroyed it. It has been easy for government officials and judges to talk about rights; obligations are unpopular.

⁸ Reports of American Bar Association, vol. 63, 1938, p. 516.

The substantive rules of international law which protect the person and property of the nationals of one country engaged in business in another country had their origin in the conceptions which created and now underlie the international community of states. This body of law, defining the rights and duties of states, constitutes the institution of diplomatic protection. States, on the one hand, have the duty to maintain for aliens the minimum standard of justice defined by international law. States, on the other hand, have the right to grant protection to their citizens abroad in the public interest. It is relevant to emphasize this latter point. Too frequently in popular comments of the day the defense by government of private property and personal rights abroad is looked upon narrowly and merely as a concern of the company or individual affected. It is that, but it is more. It is based on the national and general public interest which all countries—debtor as well as creditor—have in the maintenance of minimum standards of justice for the security of men and capital moving across frontiers. In 1921 Charles Evans Hughes, then American Secretary of State, now Chief Justice of the Supreme Court of the United States, said:

"A confiscatory policy strikes not only at the interest of particular individuals, but at the foundations of international intercourse, for it is only on the basis of the security of property validly possessed under the laws existing at the time of its acquisition, that commercial transactions between the peoples of two countries and the conduct of activities in helpful cooperation are possible."

"Human rights and property rights," Mr. Hull, the present American Secretary of State, has said, "lie at the very foundation of international relationships. These rights must be defined, and they must be maintained." Here is a great and almost unused truth. The interrelationship between human and property rights is often not realized until encroachment by government begins. Property rights may be the first to suffer, but human rights are inevitably brought within the orbit of state power. In fact, it usually happens that the very groups in the population for whose benefit property rights are confiscated are the groups whose personal rights are in the end most seriously infringed.

Practical men throughout the Americas in the Inter-American Bar Association should be able to make clear the balance which in the law of nations must exist between the rights claimed and the obligations accepted by sovereign states. Beyond such particular problems the Inter-American Bar Association has a larger field of endeavor—the development of understanding and the contribution to the rule of law between peoples.

VIII

I want to say a final word which some of you may say goes beyond a discussion of international law. It is suggested by the fact that there would not be today neutrality in Latin America any more than there is in eastern Europe if it were not for the American Navy and the British Fleet. The Monroe Doctrine has taken on a reality which it has not had for over 100 years. And the growing collaboration between the United States and the British Empire is an effective addition to inter-American cooperation, and is in opposition to forces which defy and destroy law.

Some of the pre-Monroe Doctrine views sound strangely modern. On October 17, 1823, President Monroe began a letter to Thomas Jefferson, as follows:

"I transmit to you two despatches, which were received from Mr. Rush, while I was lately in Washington, which involve interests of the highest importance. They contain two letters from Mr. Canning, suggesting designs of the holy alliance against the independence of South America, and proposing a cooperation, between Great Britain and the United States, in support of it, against the members of that alliance."

Further along he raises the question:

"Has not the epoch arrived when Great Britain must take her stand, either on the side of the monarchs of Europe, or of the United States, and in consequence, either in favor of despotism or of liberty and may it not be presumed, that aware of that necessity, her government, has seized on the present occurrence, as that, which it deems, the most suitable, to announce and mark the commencement of that career."

In his reply Jefferson said (October 24, 1823):

"Great Britain is the nation which can do us the most harm of any one, or all on earth; and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship; and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause. Not that I would purchase even her amity at the price of taking part in her wars."

"But the war in which the present proposition might engage us, should that be its consequence, is not her war but ours."

The Canning-Rush papers were sent to Madison by Jefferson and the latter wrote the former on November 1, 1823:

"With the British power and navy combined with our own, we have nothing to fear from the rest of the world; and in the great struggle of the epoch between liberty and despotism, we owe it to ourselves to sustain the former, in this hemisphere at least."

In the evolution of international law the political tendency of our day is of special importance. I have always opposed tendencies which might result in an inter-American law as distinguished from world law. Inter-American jurists and lawyers and inter-American conferences have helped greatly in the evolution of law, but the ultimate aim is to establish law not in a region but in the world community.

The instincts of the American people are sound in the present world crisis. Self-preservation and defense determine their sympathies and support. Law is one of the great issues. Whatever may be said for Hitler and his regime, it cannot be argued that it rests upon law. Inside Germany rights under law and due process of law do not exist; the unchecked rule of the official controls. Outside Germany the law of nations, including the law of neutrality, has been crushed by the war machine.

For us, then, of the western world the preservation of the British Empire, its system of law, and its concepts of government under law are of vital concern. And it is a useful tendency which today is emphasizing our responsibility for support to our British friends and which is making clear our mutual interests. Inter-American cooperation has been a great force in world order and understanding. Supplemented now by the cooperation of Canada, Australia, New Zealand, Great Britain, South Africa, and the other areas of the earth which draw their inspiration from the systems of Anglo-American and civil law we may look to the future with confidence and hope. Unhappily, the world is again paying the awful price of trying to settle international affairs by violence. But law may still resume its sway. Our sacred duty is to work for a return to law.

ADMINISTRATION OF OATHS BY SPECIAL AGENTS OF INTERIOR DEPARTMENT—CONFERENCE REPORT

Mr. ADAMS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments.

ALVA B. ADAMS,
HENRY F. ASHURST,
KEY PITTMAN,
GERALD P. NYE,
CHAN GURNEY,

Managers on the part of the Senate.

RENÉ L. DEROUEN,
J. W. ROBINSON,
HARRY L. ENGLEBRIGHT,

Managers on the part of the House.

The report was agreed to.

SURVEY OF PROBLEMS OF SMALL BUSINESS ENTERPRISES

Mr. MURRAY. Mr. President, there is on the calendar a resolution which I have been endeavoring for some time to have considered. I move that the Senate proceed to the consideration of Senate Resolution 298, Calendar No. 2171.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 2, line 17, after the word "exceed", to strike out "\$15,000" and insert in lieu thereof "\$10,000", so as to make the resolution read:

Resolved, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to study and survey by means of research all the problems of American small business enterprises, obtaining all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation. The committee shall begin its study and research survey as soon as practicable and shall continue and prosecute such study and research survey expeditiously and with all possible dispatch and shall report to the Senate as soon as practicable with recommendations for legislation.

Sec. 2. For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, during the Seventy-sixth and succeeding Congresses, to employ such experts and clerical, stenographic, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report the educational material and data on such hearings shall not be in excess of 25 cents per 100 words. The expense of the committee, which shall not exceed \$10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. Is the motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. KING. I desire to be heard.

Mr. MURRAY. I have moved that the Senate proceed to the consideration of Senate Resolution 298.

Mr. KING. I wish to speak in opposition to the motion.

HIRING AND DISCHARGE OF SEAMEN

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. OVERTON. I ask unanimous consent that, without displacing the motion of the Senator from Montana, the Senate resume the consideration of House bill 9982, Calendar No. 2281. There is no opposition to the bill. It is a measure in which the Department of Commerce is very much interested. When I attempted to obtain consideration of the bill the other day the Senator from Vermont [Mr. AUSTIN] thought it was slightly out of order. The bill provides that the masters of vessels shall report the discharge and hiring of seamen who are not discharged or hired before shipping commissioners.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent that, without displacing the motion of the Senator from Montana [Mr. MURRAY], the Senate resume the consideration of House bill 9982. Is there objection?

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. OVERTON. Certainly.

Mr. AUSTIN. I call to the attention of the Senator from Louisiana a letter from the international president of the International Association of Machinists to the Senator from North Dakota [Mr. FRAZIER], dated October 4, referring to an amendment intended to be offered by the Senator from Indiana [Mr. MINTON]. I ask the Senator from Louisiana if he understands that the so-called Minton amendment to House bill 9982 will not be offered?

Mr. OVERTON. That is my understanding. The Senator from Indiana told me he would not offer the amendment.

The PRESIDING OFFICER. Let the Chair state to the Senator from Louisiana that when this bill came up on the call of the calendar, the Senator from Indiana [Mr. MINTON] offered an amendment, which is pending. The amendment must either be withdrawn or voted upon by the Senate.

Mr. OVERTON. I do not see the Senator from Indiana in the Chamber. However, he told me he would be very glad to withdraw the amendment if it were actually pending.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. AUSTIN. I have no objection.

There being no objection, the Senate resumed the consideration of the bill (H. R. 9982) to amend section 4551 of the Revised Statutes, as amended, and for other purposes, which had been reported from the Committee on Commerce with an amendment (heretofore agreed to) on page 3, line 2, after the word "them", to insert, "This subsection shall not apply to any ferry or any tug used in connection with a ferry operation, if such ferry or tug is employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage", so as to make the bill read:

Be it enacted, etc., That section 4551 of the Revised Statutes, as amended (U. S. C., 1934 ed., Supp. V, title 46, sec. 643), is amended by the addition of a new subsection lettered (1), reading as follows:

"(1) The master of every vessel subject to the provisions of this section shall submit, over his signature, reports to the Bureau of Marine Inspection and Navigation of the employment, discharge, or termination of services of every seaman not shipped or discharged before a shipping commissioner, which reports shall contain such of the following information as may be required by regulation of the Secretary of Commerce: (1) name of vessel, official number, voyage number, port, date, description of voyage, name in full of each seaman, number of continuous discharge book or certificate of identification and of license, certificate of registry, or service, and efficiency for rating in which employed, age, citizenship, capacity in which engaged, date and place of engagement, date and place of discharge or separation from service of vessel, the percentage of citizens of the United States in the crew, and name in full of the master and the

serial number of his license; (2) a statement showing (a) that the master has entered into an agreement with each seaman on board such vessel as required by law; (b) that at least 65 percent of the deck crew (exclusive of licensed officers) are of a rating not less than able seamen; (c) that at least 75 percent of the crew in each department are able to understand orders given by the officers; (d) that the vessel has in her service the number of lifeboatmen required by her certificate of inspection; (e) that each member of the crew possesses a license, certificate of registry, or certificate of service for the rating in which he is engaged, and (f) that each lifeboatman possesses a certificate of efficiency. The Secretary of Commerce shall, by regulation, prescribe the form and content of such reports and time of submitting them. This subsection shall not apply to any ferry or any tug used in connection with a ferry operation, if such ferry or tug is employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage. Any master who shall violate any provision of this subsection or regulations established hereunder shall be subject to a penalty of \$500."

SEC. 2. The President is hereby authorized, whenever in his judgment the national interest requires, to extend the provisions of subsection (1) of section 4551, Revised Statutes, as amended, to such additional class or classes of vessels and to such waters as he may designate.

The PRESIDING OFFICER. The Chair is informed that the committee amendment has been heretofore agreed to. There is pending an amendment offered by the Senator from Indiana [Mr. MINTON]. Does the Senator from Indiana wish to withdraw the amendment?

Mr. MINTON. Mr. President, when I offered that amendment I had no idea it would provoke so much controversy. The amendment does present some controversial matters, so much so that, after discussing the matter with the leadership and with the distinguished Senator from Louisiana, I have come to the conclusion that it should not be considered on the calendar and I therefore withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The question is on the engrossment of the amendment heretofore made and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. Was the committee amendment to the bill agreed to?

The PRESIDING OFFICER. The committee amendment was agreed to on a previous occasion when the bill was under consideration.

COAL AND ASPHALT DEPOSITS OF CHOCTAW AND CHICKASAW NATIONS

The PRESIDING OFFICER laid before the Senate the amendments of the House to the bill (S. 2617) to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the bill, with the amendments of the House, be referred to the Committee on Indian Affairs for further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

REPORT OF COMMITTEE ON APPROPRIATIONS

Mr. ADAMS, from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes, reported it without amendment.

CHANGES IN ADMINISTRATION OF NATIONAL GUARD

The PRESIDING OFFICER (Mr. OVERTON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3619) relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth, which was, on page 3, line 16, to strike out all after the word "be" down to and including "amounts", in line 2, page 4, and insert "employed."

Mr. THOMAS of Utah. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SURVEY OF PROBLEMS OF SMALL BUSINESS ENTERPRISES

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Montana to proceed to the consideration of Senate Resolution 298.

Mr. MURRAY. Mr. President, the purpose of this resolution, as its language indicates, is to appoint a special committee of the Senate to conduct research and study into the problems of small business. For many years we have heard much discussion about the problems affecting small-business men, but, up to the present time, nothing has been done by way of enacting legislation or taking other steps to assist and aid the small business enterprises of the Nation. Some studies have been made by the Temporary National Economic Committee, which has been sitting for some time, but it occurs to me that that committee has not completely exhausted the problems of small business. I have, therefore, submitted this resolution in order that a complete study and survey of these problems might be made, so as to enable the Senate to devise legislation that may be helpful to small-business enterprises.

Before presenting the resolution, I took the matter up with the various departments of the Government, and received letters from practically every Federal agency in Washington acknowledging that there was a justification for such a study of these problems. I have the letters with me, but I do not wish to take up the time of the Senate by reading them in detail. If, however, there is any question with reference to the necessity for this proposed research-survey I shall, of course, desire to refer to them.

At the time this resolution was presented there was a fear that it might contemplate a sort of a witch-hunting investigation. That is not at all the purpose of the resolution. It is not intended to look backward; the purpose of the resolution is to look forward, and to find some way of aiding small business.

Statistics seem to indicate that there is a tremendous mortality in small business; approximately 90 percent or more of the small business concerns of the country wind up in failure or liquidation. Small business is acknowledged as the backbone of our country. It provides employment for the greatest number of the workers of the Nation, and, therefore, it is of the utmost importance that the Government should look into the problems that affect small business. I do not know of anything the Senate could do today that would be of greater value to the country in the way of improving economic conditions than to authorize a study of this kind, that might result in legislation of a character which would be helpful to small business enterprises.

We have assisted practically every other economic group in the country. We set up in Washington many years ago a Bureau of Mines, which is of tremendous aid and assistance to the mining industry of the Nation. That agency carries on extensive investigations and studies in mining, and furnishes information to the mining industry which is of invaluable assistance. We have done the same thing for agriculture. We have done the same thing for big business enterprises, and

for practically every other group that goes to make up our economic system; but nothing has been done for small business. It seems to me that now is the time to do something for small business.

Both the great national parties of the country have adopted platforms in which they pledge themselves to do something for small business. Therefore, I think there should be no opposition to a program of this kind; in fact, I believe there is no substantial opposition in this body to a proposal of this character. I made a very extensive study of it before presenting the resolution, and I have with me now a copy of the resolution as originally prepared which was endorsed by practically 60 percent of the members of this body.

Under those circumstances, it seems to me that there should be no hesitation in the adoption of the resolution. It could not possibly do any harm; it is not designed to stir up any opposition or to make any attack on any group; it is not a witch-hunting program; it is designed, wholly and entirely, to see if it is possible for us to find some way, some method, by which we may be able to aid the small business enterprises of the country.

Mr. KING. Mr. President, before the Senator takes his seat I should like to make a statement.

Mr. MURRAY. I yield to the Senator from Utah.

Mr. KING. The Temporary National Economic Committee, of which the Senator from Wyoming [Mr. O'MAHONEY] is the chairman, has been conducting hearings for 2 years in regard to every phase of our national business life, including banking, railroads, and corporations engaged both in small and large business of every kind and character and description. The testimony which has been adduced will fill scores of columns, thousands upon thousands of pages, bearing upon every phase of our industrial and business life, little business as well as big business, corporations as well as individuals.

It seems to me, I may say to my friend from Montana, that it would be merely an attempt to thrash over old straw and cover ground which would not be covered as perfectly as it has been covered not only by the agency to which I have referred but by many other agencies of the Government.

There appeared before the committee to which I have referred representatives of the Department of Commerce, which, as the Senator knows, has employees who have been studying for years and are still studying every phase of our business and industrial life. The representatives of the Department of Commerce have furnished the committee with valuable information and tables bearing upon all aspects of industry. I cannot conceive of the investigation proposed by the resolution giving us any information we do not now possess.

I have very great respect for my dear friend from Montana and ordinarily I would be very happy to go along with him in any activity in which he is engaged, but I inquire again whether there is any necessity for another examination and investigation? We know that millions and hundreds of millions of dollars have been loaned to small business enterprises by the Reconstruction Finance Corporation. I saw some months ago a table showing the loans which had been made by that organization, and they ran into the hundreds of millions of dollars, indeed, exceeded several billions of dollars, and no inconsiderable part of that stupendous sum grew out of loans which had been made to small business activities. I know in my own State small-business activities and organizations have applied to the R. F. C. and have obtained loans, and that that organization as well as others have made very particular and acute studies of small business and our business life.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. KING. I am trespassing on the time of the Senator from Montana.

Mr. MURRAY. I agree with most of the observations of the distinguished Senator from Utah, but I think he entirely misconceives the purpose of the move that I have in mind. This is not intended as a raid on the Treasury, as the Senator

from Utah seems to apprehend. It is not intended as anything of the kind. He also misapprehends the purpose of the resolution, in that it is not intended to provide for a continuation of investigations such as the one carried on by the committee to which the Senator has already referred. It is not intended to provide for an investigation at all. It is intended to bring about research and study of the various investigations which have already been made. Washington is filled with reports of investigations, but nothing is being done about them.

We have, for instance, at the present time, under the Comptroller of the Currency, a vast reservoir of information with regard to small business. That office has in its files records of the failures of small business all over the Nation. An investigation and study of those records would reveal the causes of the failures, and would enable Congress to do something that might provide relief and protection against similar failures in the future.

As I have already stated, we have acted in Congress for almost every group that goes to make up our economic system. The Senator from Utah comes from a mining State. He knows very well what great assistance we have rendered to the mining interests of his State. He knows very well what the Government of this country has done for the other interests in his State, such as the agricultural, sugar, and other interests there; but he knows that nothing whatever is being done for small business, while the mortality in small business is something like 98 percent.

We hear every day voluble talks expressing tremendous sympathy for the small businessmen of the country; but when we come to try to do something for small business, there is a lack of sympathy for any effort that a person attempts to make.

Mr. KING. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. KING. Let me say first, in reply to one of the Senator's suggestions that I conceived that this proposal was to be a raid upon the Treasury, that I did not so understand it, and did not intend that any observations I made should carry that connotation.

As a matter of fact, the investigations made by the committee of which I am a member were for the purpose of ascertaining the condition of our economic and industrial life. We went into the small-business end—if I may use that expression—of our industries and of our economic life. As the Senator states, thousands and hundreds of thousands of pages of testimony have been given, and thousands and tens of thousands of pages of printed matter have been presented showing the condition of industry, the small business and the large business. I concede that many small business activities have failed and many large business activities have failed.

There have been hundreds of failures, individual and corporate and partnership, because of the follies of individuals, or the lack of understanding, or the lack of capacity.

The Senator may go into any little town, where perhaps only one small store would meet all the demands of the people, and he will find half a dozen stores. The result is that in a little while, 2 or 3 years, half of them will fail. So these failures are the fault of the folly or the ambitions or the expectations and hopes of a large number of persons who are ill-prepared to engage in particular lines of industry in which it is quite evident that they will ultimately come to grief.

We have had banking failures, and we have had failures in nearly every industry, big failures and little failures. What does the Senator think will be accomplished by this investigation? The facts have all been elucidated, and are in printed form in the files of the various departments. The investigations have been made. Is the resolution submitted merely for the purpose of going into all these tomes, these thousands and tens of thousands of pages, and trying to analyze them and give to the public an analysis of them, or is there to be another investigation?

Mr. MURRAY. As I say, I think the Senator misapprehends the purport of the resolution. The Senator apprehends

that most failures are due to the unjustified ambitions or folly of men. Is not that in itself a subject for verification? We do not intend to go over the matters which have already been investigated by the committee to which the Senator has reference. There are, however, a great many other subjects upon which that committee has not touched.

As I say, I have taken up the matter with the various departments of the Government in Washington which participated in the very investigations and studies of the committee the Senator refers to.

I have here, from the Department of Commerce, a communication from the Acting Secretary of Commerce, Mr. Hinckley, in which he says:

The Department of Commerce, as the agency of the Government particularly charged with fostering and promoting the business economy of the Nation, is interested in all problems which affect that economy. Because of that interest and responsibility, the Department looks with sympathy on any legislation which offers the possibility of shedding some light on the nature of the problems affecting our national business economy, with the end in view of affording some contribution to the solution of those problems either through further legislative or administrative action.

It is well recognized that the data upon which valid conclusions may be reached concerning the problems of small business are quite inadequate. The Department knows this from its own experience in attempting to secure information concerning specific aspects of small business enterprises. The resolution which you have introduced seems to offer a possibility of filling in the gaps now impeding any solution of the small businessman's problems and, therefore, the Department feels that the passage of this resolution will contribute to the solution of those problems.

It is our thought that the research which has already been done in the small-business field will be of assistance to the committee set up under your resolution and, further, that so far as existing research has covered certain aspects of the situation, by so much the scope of your inquiry may be delimited.

I also have a letter from Mr. Thurman Arnold, who took an active part in the investigation mentioned by the Senator from Utah, in which he says:

I am tremendously interested in your resolution and would like to help out in any survey that you can get across. I am particularly interested in food distribution and I think there is a lot to be done here. From the point of view of the antitrust laws, I would like to see developed before a research committee some of the ideas which I have very briefly expressed in the chapter of my book *Bottle Necks Between the Farm and the Table*. I am sending you a copy of the book under separate cover.

Again, later on, he says:

In May 1939 the Temporary National Economic Committee conducted a hearing on savings and investments which touched on the problems of small business. Within the next 60 or 90 days the committee will release a monograph entitled, "Some Problems of Small Business." The antitrust division has not made an extensive study with respect to the problems of small business. However, many of our cases involve studies which touch upon restraints of trade which handicap small business. Although the files of the department and of the Temporary National Economic Committee should be helpful in the work which you propose, I do not feel that they contain the comprehensive picture which you desire.

Again, Mr. Henry Grady, Assistant Secretary of State, says:

It seems to me that your proposal for a research survey of the problems of small business enterprises is a most worthy one. I think there definitely is a "small business" problem, and it should be given our constant attention. My only concern with your proposal, however, is that the sum of money you request for this survey would be so limited as to make it difficult to accomplish very much.

Mr. Henry A. Wallace, Secretary of Agriculture, says in a letter to me dated August 26, 1940:

I do sincerely believe that there is an opportunity for such a committee to make some constructive suggestions. Particularly do I think this is true with regard to financing.

Again, the Federal Security Agency has considered the proposition and has issued a letter supporting it. Mr. Paul V. McNutt, Administrator, says—

With the aims and purposes of this survey I am in hearty accord. It should do much to focus the attention of the Nation on one of the most acute unsolved problems in the entire field of American economic enterprise.

The Federal Trade Commission has done likewise. Before Mr. Ewin L. Davis, chairman of the Federal Trade Commission, would give any attention at all to the proposal, he took it up with the Bureau of the Budget, and was advised by the

Bureau of the Budget that it was perfectly proper for such a resolution to be considered, and that it was in full accord with the program of the President. The Bureau of the Budget stated to him as follows:

The original of the proposed report is returned herewith, and you are advised that there would be no objection to its submission to the committee.

Following that information, which he received from the Bureau of the Budget, the Federal Trade Commission, speaking through Mr. Ewin L. Davis as chairman, said:

"This is in further reply to your letters of September 9, addressed to me and my colleagues, requesting our ideas and suggestions regarding the resolution introduced by you in the Senate on August 22 for the appointment of a committee to study and survey by means of research the problems of American small business enterprises."

My colleagues and I are heartily in accord with your emphasis on "the importance of a healthy national small-business economy to a democratic form of government, to prosperity, to maximum employment, and to our internal morale." We believe that such a research survey might well be the means of assembling and correlating facts necessary for enlightenment in formulating plans and methods of assistance and relief to small business enterprises. The information accumulated should prove useful to existing law-enforcement agencies and may also serve as a basis for legislative action should additional aid or protection seem desirable.

A determination of the causes of the high annual mortality rate among small businesses seems to us to be of particular importance. Of course, the law of survival of the fittest applies in business as elsewhere.

The Senator from Utah has made very cogent observations on that matter.

Many new business ventures fail because ill conceived, undercapitalized, or badly managed. Our economic structure will not be strengthened by fostering or prolonging the life of such concerns by means of artificial stimulants. Nevertheless, it is important to find out whether the high mortality among small business enterprises is confined chiefly to anemic and unsound structures or whether it is not due, in part at least, to favoritism, oppression, monopoly, and unfair methods of competition. Ascertainment of the causes of failures of small businesses which previously had shown an ability to succeed over a period of years should be particularly enlightening.

Mr. President, that is the letter which I received from Mr. Davis, of the Federal Trade Commission. I could continue to refer to reports from various Federal agencies, all uniformly approving the resolution, but I do not think it is necessary. It seems to me that there should be no question in regard to the attitude of the Senate on this resolution.

I notice that the senior Senator from Utah has left the Chamber, so I assume his interest in the matter has subsided. I therefore submit the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MURRAY]. Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	Reed
Andrews	Clark, Idaho	Herring	Russell
Ashurst	Clark, Mo.	Holt	Schwartz
Austin	Connally	Johnson, Calif.	Schwellenbach
Bailey	Danaher	Johnson, Colo.	Shipstead
Barbour	Davis	King	Stewart
Barkley	Ellender	McKellar	Thomas, Okla.
Bone	George	Maloney	Thomas, Utah
Bridges	Gerry	Minton	Townsend
Bulow	Gibson	Murray	Van Nuys
Burke	Gillette	Norris	Wagner
Byrd	Glass	O'Mahoney	Walsh
Byrnes	Green	Overton	Wheeler
Capper	Gurney	Pepper	White
Caraway	Harrison	Radcliffe	Wiley

The PRESIDING OFFICER (Mrs. CARAWAY in the chair). Sixty Senators having answered, a quorum is present.

Mr. MURRAY. Mme. President, I have already made a statement in support of my motion. My understanding is that the Senator from Utah, who apparently opposed my motion, now intends to withdraw his objection. I therefore submit the motion.

Mr. WHITE. Mme. President, I wish to voice my opposition briefly to the Senate agreeing to the resolution now urged upon it. There seems to be no end to proposals for research or investigations, by whatsoever name one may wish

to call them. There seems to be an irresistible desire to offer resolutions to confer upon committees authority to look here, there, and everywhere into matters involving manners and methods of our American life. Sometimes it seems to me there is nothing to do but to let this desire run its course. However, it seems to me the resolution now under consideration is subject to special objection, and it ought not to have the approval of the Senate; that the task ought not to be undertaken by the Senate Committee on Education and Labor, or by any special committee of the Senate.

Mme. President, in the first place the resolution, whatever may be its purpose, in its effect is a reflection upon the T. N. E. C., representing this body, the other branch of the Congress, and the executive departments of the Government. That committee has committed to it precisely the same character of study that is proposed by the pending resolution, and that committee over long months has been giving study to the problems of the small businessmen of America, as well as to the problems of the other business interests of our country.

I do not know whether or not it is intended by the adoption of the pending resolution to supplant the jurisdiction of the Temporary National Economic Committee presided over by the able Senator from Wyoming [Mr. O'MAHONEY], whether or not it is intended to end the study by that committee or the problems of small business, but in any event it will involve a duplication of the duties and the activities of the Temporary National Economic Committee.

I understand that the Committee on Banking and Currency of the Senate has held hearings of substantial length in respect to precisely the same problems that are proposed to be studied by the proposed new committee of the Senate. I have in mind also as a further illustration of this tendency to investigate, that only yesterday this body agreed to a resolution proposed by the Senator from Montana [Mr. WHEELER] which infringes upon the same subject matter. It involves an investigation of some of the same persons, some of the same activities, that would fall within the scope of the pending resolution.

I have in mind further that there is pending on the calendar of the Senate a resolution reported from the Commerce Committee of the Senate, which proposes that the Department of Commerce, in conjunction with various educational institutions of our country, shall cover this same subject matter, shall investigate and study problems of the small businessmen of America, and shall undertake to find solutions for those problems.

Offhand these three other committees of the Senate have occurred to me. These three other legislative proposals have run along precisely the same lines as the purpose set forth in the pending resolution. I go back for a moment to the T. N. E. C. I do not know whether it is proposed to disregard, to wipe from the record, and completely to ignore the studies of the T. N. E. C., or what the purpose may be, but I know that when we appoint a second committee to cover precisely the same ground which has been covered and is being covered by a constituted committee of the Senate, we shall indulge in duplication of effort, and we shall put to unnecessary burdens the business life of our country and our communities.

It seems to me we might let well enough alone, that we might with some degree of patience await the conclusion of the studies of the T. N. E. C., await its reports to this body, and give consideration to its recommendations, before we start another body of men out upon that same road, to bring in here either substantially the same recommendations which shall be made by the Temporary National Economic Committee, or to reject the recommendations of the T. N. E. C. and bring in other and different recommendations for the consideration of the Senate.

I listened to the statement of the junior Senator from Montana in presenting this matter. He referred at some length to various agencies of Government which are recommending this study; but I failed to hear from him a recommendation of a single business interest in the United States calling for any

such study as is proposed. I venture the assertion, Mme. President, that if the question were left to the small business of this Nation there would be no support whatsoever for further investigation of its activities, further study of its troubles, or further recommendations by Congress as to the solution of its problems. So I feel that we are doing a wholly unnecessary thing. We are doing a wholly unwise thing. We are doing a prejudicial thing to the very interests which we pretend to be anxious to serve. I shall regret it exceedingly if the resolution shall have the approval of the Senate.

Mr. MURRAY. Mme. President, I shall briefly answer the remarks of the Senator from Maine.

The Senator says that we should let well enough alone. If the Senator feels that the condition of small business in the United States is satisfactory, of course his observation is appropriate; but I do not think anyone in the country would agree with that view.

Mr. WHITE. Mme. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. WHITE. I did not say that the condition of small business in the country is satisfactory. I said that we are already doing enough investigating.

Mr. MURRAY. I understand the Senator very well. We have helped every group except small business. The Senator is apprehensive that it is the intention to have the proposed committee supplant the Temporary National Economic Committee, to which he has referred. There is nothing further from the minds of the proponents of the resolution than to undertake to supplant the Temporary National Economic Committee. The Temporary National Economic Committee has performed a service. It has made investigations which, of course, would be utilized by the new committee, and which have been referred to in the several letters which I mentioned during the course of my opening remarks on the motion.

It seems to me the Senator is unduly sensitive with reference to the fear he has that we are infringing upon the jurisdiction of the Temporary National Economic Committee. The letters which I have read seem to indicate that the Temporary National Economic Committee has not covered the entire field. The proposed committee would not go back over the territory which the Temporary National Economic Committee has covered. It would be expected, of course, to take full advantage of the material and studies made by that committee; but it is necessary for further studies to be made, as indicated by the various departments of the Government which have given study to the problem, and by various Senators who have been studying the matter.

As I stated in my opening remarks, practically 60 percent of the Members of the Senate have already signified their support of the resolution. Both national political parties have indicated that they are desirous of having a study of this kind made for the purpose of attempting to bring some aid to an economic group in this country which represents a very important factor in the prosperity of the United States.

I think very few persons appreciate the significance of the small business enterprises of the country. Small and intermediate business employing up to 799 workers account for 15,493,000 employees as of March 1938; 69 percent of all reporting to the Social Security Board; and 41 percent of all gainfully employed in the United States on farms and in cities. Small businesses which employ from 1 to 29 workers account for 6,723,000 workers; 31 percent of all reporting to the Social Security Board as of March 1938; and 20 percent of all gainfully employed in the United States, both on farms and in cities.

I have heretofore stated that Congress has attempted to aid every other economic group in the United States. We have done great things for American agriculture. We have assisted the coal-mining industry, which I discussed off the floor with the Senator from Pennsylvania [Mr. DAVIS] a few moments ago. We have established a Bituminous Coal Commission for the purpose of aiding that industry. We have a Bureau of Mines which renders enormous service to the mining industry of the Nation; but nothing is being done for small business. It is the most competitive business in the United States.

As I say, the Senator from Maine is apprehensive that the resolution is a reflection on the Temporary National Economic Committee. I think he is very much mistaken in that statement. As a matter of fact, the purpose of the proposed resolution is supplemental to those of the Temporary National Economic Committee.

I have before me a list of the various items which the committee I have in mind might take into consideration in connection with its investigations and research:

First. It would undoubtedly take into consideration the high mortality rate of small business.

Second. It would consider the need for and ways and means of providing risk capital and loans for small enterprises.

Third. Small businesses are now required to make endless reports to the Federal Government, which of itself is a severe burden on the small owner. Perhaps there has developed a large amount of duplication in these reports and forms and it may be found possible to simplify them and eliminate the duplications without any impairment in the value to the Government or the purposes for which the information is desired by Government departments.

Fourth. Treasury reports indicate that since 1928 small business enterprises as a class, under \$100,000 capitalization, have made no profit. This is a serious threat to the survival of our capitalistic system which we seek to preserve. It is upon this system that we depend now for employment, prosperity, and economic advancement of the welfare of the masses of our people. There is only one other system, that of totalitarianism, which will provide a people any measure of these things. But totalitarianism implies regimentation and bureaucracy and these we seek to avoid.

Fifth. The United States Census of Manufactures in 1937 showed that since 1929, 42,000 small manufacturers have ceased to exist. This is a reduction of over 20 percent from the total of all manufacturing enterprises in operation in 1929 and the effect of this decline in productive enterprise on employment can only be surmised at this moment.

Sixth. A permanent program of research and education in the interests of small businessmen. We have for a number of years, through the Department of Labor, provided aid, assistance, education, and research for the benefit of labor.

For over 40 years, through the Department of Agriculture, our land-grant colleges, and our high schools we have provided an extensive program of research and education for the benefit of agriculture. It has been advocated for more than 10 years that a similar program of aid and assistance to small enterprise owners ought to be fostered in like manner.

I have just received from Secretary Henry A. Wallace a letter of endorsement of Senate Resolution 298, in which he says:

I do sincerely believe there is an opportunity for such a committee, as provided in Senate Resolution 298, to make some constructive suggestions. Particularly do I think this is true with regard to the provision of a new financing mechanism to serve businesses needing loans of a million dollars or less.

Leading economic research organizations of the country have for some time also been advocating the need and advantage and good that may be accomplished by a research survey such as is proposed in Senate Resolution 298. The foremost of these is the well-known and highly regarded Brookings Institution. It is my hope that the committee will invite and be able to obtain the cooperation of the Brookings Institution and other highly regarded independent and factual research organizations in this research survey.

The records seem to indicate that even in 1929, in the period of the highest industrial activity in the United States, the vast majority of small business enterprises in the United States made no profits whatever. In 1937, when all other business in the country was proceeding rapidly toward recovery, the only economic group in the country which was falling behind was small business.

In view of the fact that both political parties seem to favor the proposal, it seems to me that there should be no hesitation on the part of the Senate. I therefore submit the motion.

Mr. BARKLEY. Mme. President, I wish to say a word in behalf of the motion of the Senator from Montana.

It is true that there are committees in the Senate and in the House which have investigated the problems of small business, and which may continue to do so. It is likewise true that those committees have many other functions to perform; and it is not always possible for them to give undivided attention to the problems of the small businessman.

I happen to be a member of the Committee on Banking and Currency. In connection with the Reconstruction Finance Corporation loans, the committee gave consideration to the problems of the small businessman. The Senator from Montana [Mr. MURRAY], the Senator from Arizona [Mr. ASHURST], and other Senators came before the committee in behalf of some peculiar form of action which might be helpful to small business.

Undoubtedly the Temporary National Economic Committee has been giving consideration to that subject. I will say frankly that as a rule I have not been very enthusiastic about the appointment of special committees to consider subjects which are within the jurisdiction of standing committees; but in this particular situation the condition of small businessmen throughout the country has been so emergent that it seems to me that not only could no harm come, but considerable good might come from the ascertainment of facts by a committee set up especially to deal with the subject.

Of course, it is not contemplated that the committee would have legislative jurisdiction. I realize that any recommendations it might report would probably have to go to standing committees for their consideration. There is no effort to deprive a standing committee of its jurisdiction. However, in view of the situation, in view of the fact that at least on one occasion, if not more, the Government has called into Washington large groups of small-business men, and in view of the fact that the small businessmen have a national organization which at least thinks it has a problem which is a little different from that of other business, it strikes me that good might come from such an investigation. Certainly no harm could come from it.

I hope the Senator's motion will be agreed to, and that the resolution will be agreed to.

Mr. DANAHER. Mme. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Connecticut?

Mr. BARKLEY. I yield.

Mr. DANAHER. Has not the Banking and Currency Committee been conducting a series of hearings lasting for many weeks on this very subject?

Mr. BARKLEY. I am unable to say how long the hearings lasted, but when we had before the committee one of the Reconstruction Finance Corporation bills expanding the type of loans and somewhat relaxing the requirement for security, we dealt with the subject, and we thought we had amended the Reconstruction Finance Corporation Act so as to be of some help to small-business men. However, the help did not materialize, because we still retained a requirement as to certain types of security which had to be put up. It is true that witnesses have been before the Banking and Currency Committee on the subject, but I do not recall that committee devoted weeks to it. Perhaps I am mistaken; I may not have been at all the meetings.

Mr. DANAHER. I think, if the Senator will permit me to refresh his recollection, it is easily possible he may have missed a series of hearings on the bill introduced by the junior Senator from New York [Mr. MEAD]. The Senator now that I mention it may recall the discussions about the Mead small-loan bill.

Mr. BARKLEY. I recall that, and the Senator from New York has displayed a commendable interest in assistance to small business, but the whole problem of small business is not necessarily encompassed within the terms of a loan that may be granted to it. The feature of the problem which the Committee on Banking and Currency dealt with largely was the making of loans by some Government agency, the R. F. C.

or others, to small business, but there are other collateral and probably principal problems that face small-business men which are not necessarily encompassed within their ability or desire to secure loans from the Government.

Mr. DANAHER. Mme. President, will the Senator yield there?

Mr. BARKLEY. I yield.

Mr. DANAHER. Does the Senator recall that the Temporary National Economic Committee held hearings at very considerable length, under an appropriation that ran well over \$1,000,000 in order to assist it in conducting the hearings and investigations into this subject among others; and does not the Senator recall, let me ask, that there was a 60- or 70-page brochure with reference to it prepared by the committee?

Mr. BARKLEY. I recall the committee went into that matter but, of course, the jurisdiction of the T. N. E. C. is so vast and complicated that it is not always easy for the average man or even for the average Senator or even for those who are above the average to dig out of a mass of other testimony all the facts which may have been elucidated in regard to this particular problem. Waiving my usual objection to special committees, which I think I am justified in entertaining, my view is that as to this particular subject it would be valuable to have a committee which would gather the facts without sidetracking, without detouring, and without complicating them with other facts regarding many other kinds of business, and other and different methods of transacting business affected by antitrust laws, and that is the core of the investigation carried on by the T. N. E. C., as well as other matters. So it seems to me that it would be valuable to have a small committee of the Senate operating on a single track with the single purpose of ascertaining something about the situation that surrounds small business in this country, not only from the standpoint of the antitrust laws, not only from the standpoint of laws which might be enacted by the Government, but from every other economic and industrial standpoint that might be a valid subject of investigation.

Mr. DANAHER. Mme. President, I thank the Senator from Kentucky first, and I will be happy to yield to the Senator from Montana in just a moment. I simply wish to have the RECORD show, speaking for my part, that I am deeply in sympathy with the general problems of the small-business men. While I was not on the subcommittee I took time to attend most of the hearings on the Mead bills and similar hearings before the Banking and Currency Committee, I did so as a matter of interest because of my concern for and my sympathy with the plight of the small-business man. But, Mme. President, it seems to me that the nub of the matter as presented to our committee lay more than any other single factor in the lack of available intermediate credit to the small-business man. There seems to be need for legislation which will make available that type of credit called intermediate money, and I would favor providing a type of loan which the bank ordinarily cannot grant, because the bank must have more liquid security than is possible in the circumstances surrounding small-business men today.

Equally we must make absolutely certain that we do not authorize some Government corporation, such as the R. F. C., or other corporate entity which we may later create, to go too far, to take too great a participation, and leave the element of risk entirely upon some governmental agency rather than upon the enterprise itself.

Mme. President, because of the fact that these matters have already been gone into so thoroughly with reference to the general banking situation, the general economic and industrial situation, the antitrust laws and their enforcement and operation, the many ramifications of our whole system, in which system, by the way, the small-business man, of course, plays an enormous part, it seems to me that under this resolution there can be an overlapping of activity so vast that there may result complications which would be unnecessary, and I feel that we should not create another special committee at this time. I believe that we ought to enable the existing Banking and Currency Committee to go forward and to

carry over into the next session of the Congress the functions already being performed and the inquiry already being conducted.

I dare say that unless the Mead bills receive attention at the present session they will lapse, but there is no reason, it seems to me, why the Congress cannot authorize a continuous sitting of the subcommittees already in existence, rather than to undertake to create a brand new committee to start anew and fresh on a proposition that has already engaged countless hours of the time of Members of this body.

Mme. President, these thoughts occurred to me as we undertook consideration of the resolution of the Senator from Montana. I know of his interest in this subject and appreciate it and commend him for it, but my attitude of admiration for what he is seeking to do does not go the length of my being willing to say that we should add to the existing standing committees, a special committee to consider a subject which is already before a committee of the Senate authorized to conduct the investigation, which has already performed much of the work, and which can go forward in any new lines, if any new lines there be. Surely the result will be a duplication of effort and a waste of the time already allotted to this inquiry. With that thought, Mme. President, I want to say that, despite my interest in and sympathy for the position taken by the Senator from Montana, I think we should not create a new special committee. I think that the able majority leader, who is on the Committee on Banking and Currency might well have adhered to his well-known and previously announced opposition to the creation of special committees of inquiry.

Mr. MURRAY. Mme. President, I appreciate the attitude of the very able Senator from Connecticut [Mr. DANAHER], but I think his views are in conflict with the position of both the great political parties of the United States, which have gone on record in favor of a study of this kind. Furthermore, he is in conflict with the Temporary National Economic Committee, to which he has referred. I have before me a letter from Mr. Thurman Arnold, of that committee, who, of course, is one of the outstanding students of the United States on the problems of small business. He says:

Although the files of the Department and of the Temporary National Economic Committee should be helpful in the work which you propose, I do not feel that they contain the comprehensive picture which you desire.

Earlier in my remarks I referred to letters from practically every department of the Government in Washington, which indicate accord with the sentiment expressed by Mr. Arnold. It seems to me that the Senator from Connecticut is not supported in his views on this matter, and I think that the proposed special committee is justified from every standpoint.

It is certainly wrong to permit to continue the conditions which exist, affecting the small enterprises of this country without some effort on the part of the Congress of the United States to render them assistance. It is not merely a matter of financing them. It might be possible that the Government in undertaking a financing program might go too far in financing small-business enterprises that might be found to be economically unsound. That is not the purpose of this movement. Its purpose is to ascertain what is the matter with small business, and what can be done by the Government of the United States, not only by the legislative department of the Government, but by the various executive departments. We have been assisting every other group in the United States for many years, but we have done nothing for small business. As I have said, it is the most competitive economic group in the United States, and yet, when we come to try to do something for them, we find that there is an apathy about it. It seems to me that the motion which I have made should be agreed to.

Mr. ADAMS. Mme. President, will the Senator yield for an inquiry?

Mr. MURRAY. I yield.

Mr. ADAMS. Does the Senator have any idea that there can be completed an investigation of this problem and a solution arrived at by the expenditure of the \$10,000 provided by the resolution?

Mr. MURRAY. No; I do not think anything of the kind, and I do not think it is necessary to consider that we should have to do it within the \$10,000 limit.

Mr. ADAMS. It merely occurs to me that this would merely be the beginning of it. If the problem is really to be studied, the expenditure of \$10,000 will hardly make a beginning.

Mr. MURRAY. We expect to have the assistance of various departments of the Government and even outside institutions. I have, for instance, a letter from the Brookings Institution in which that organization, through one of its officers, says:

As you have said, I do have a keen interest in the problems of small-business enterprise. I have been studying it for a long time. I shall be very happy to discuss this matter with you. * * *

The Brookings Institution is always glad to be of service, and I hope in this case we may be of some help to you.

With the various economic research institutions which have been set up all over the United States, supported by endowments and otherwise, and with the various departments of the Government, and with the various reservoirs of information that we can seek, the committee can carry on very considerable research, and without question find it possible to do something to aid and support the small-business enterprises of the country.

It is not always necessary to have an enormous fund to conduct research of this kind. If we have men who are sincerely and honestly interested in trying to do something for small business, we can accomplish something. In this very body we have men who have spent many, many years studying the problems of small business. I do not see any reason why those Senators cannot be assembled in a committee to study these problems, and try to work out some means and method by which we may be able to assist small business. It is not a question of money; it is a question of sincerity, a question of an honest intention and devotion to a serious problem affecting our country.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MURRAY] that the Senate proceed to the consideration of Senate Resolution 298.

The motion was agreed to; and the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The LEGISLATIVE CLERK. On page 2, line 17, it is proposed to strike out "\$15,000" and insert "\$10,000."

The amendment was agreed to.

The PRESIDING OFFICER. The resolution is open to further amendment.

Mr. MURRAY. I send to the desk two amendments, which I ask to have stated.

The PRESIDING OFFICER. The amendments offered by the Senator from Montana will be stated.

The LEGISLATIVE CLERK. On page 1, line 1, it is proposed to strike out "five" and insert "seven", so as to read:

That a special committee consisting of seven Senators, to be appointed by the Vice President, is hereby authorized and directed—

And so forth.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 2, line 9, after the word "assistants", it is proposed to insert:

To request such assistance and information from any departments and agencies of the Government.

The amendment was agreed to.

The resolution, as amended, was agreed to.

MILITARY ORDER OF THE PURPLE HEART—VETO MESSAGE

The PRESIDING OFFICER (Mr. STEWART in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the

accompanying bill, referred to the Committee on the Judiciary and ordered to be printed:

To the Senate:

I return herewith, without approval, Senate bill No. 2524, entitled "An act to incorporate the Military Order of the Purple Heart."

The Purple Heart is awarded by the War Department, acting for the President, to persons who, while serving in the Army of the United States, perform any singularly meritorious act of extraordinary fidelity or essential service. Awards having been made I feel that the Government should refrain from granting a special favor to a minority of the holders of the award by which they might obtain an advantage or benefit which they could withhold from or which might not be available to all holders.

The bill clearly would permit the corporation to be as restricted as those in control at first or at any later time might desire. It would permit a restricted membership of the corporation to carry on activities in the name of the Military Order of the Purple Heart, when, because of restrictions or cost of membership many holders of the award might be denied membership. It thus would create an order within an order, as is further confirmed in section 6.

The powers and rights to be granted the corporation would permit a discrimination between the member and the non-member holders of the Purple Heart award in the wearing of badges and emblems, and in other respects. The Government should assure equal benefits to all holders of the award.

To prevent a tendency to destroy the significance of the award, the sole right of the proper Government departments to prescribe and define all medals, badges, and emblems in connection with an award or decoration should not be abridged.

I have heretofore withheld my approval of a similar bill S. 2324, enacted by the Seventy-fourth Congress.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 8, 1940.

ADDITIONAL APPROPRIATION FOR NATIONAL-DEFENSE HOUSING

Mr. ADAMS. Mr. President, I move that the Senate proceed to the consideration of House Joint Resolution 614, making an additional appropriation for national-defense housing.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

The motion was agreed to; and the Senate proceeded to consider the resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes.

Mr. ADAMS. Mr. President, this measure has just been reported from the Appropriations Committee.

The Senate will recall that a day or two ago a measure was passed providing for an appropriation of \$150,000,000 for additional housing. That measure was passed too late to be incorporated in the supplemental appropriation bill; and the House has sent to the Senate, in this joint resolution, an appropriation of the amount authorized by the bill.

The Senate Committee on Appropriations today took up the measure and reported it to the Senate. It provides for an appropriation of \$75,000,000 and a contract authorization of \$75,000,000. The expenditures are to be made for the purpose of providing housing which is essential, according to the reports which have been filed, for national-defense purposes.

The matter reduces itself to a statement as to units. The survey of the Advisory Commission of the Council of National Defense of housing needs in connection with national defense as of October 2, indicates requirements of 132,000 units. The Advisory Commission figure that the minimum needs in connection with the entire program are 160,000 units, at a total cost of \$560,000,000. There has already been appropriated \$100,000,000, providing for a total of 27,240 units, and there have been certain other items of appropriation. It is now recommended by the departments interested and by the Council of National Defense that this additional appropriation be

made in order to meet the requirements of housing for national defense.

Mr. AUSTIN. Mr. President, will the Senator answer an inquiry?

Mr. ADAMS. Certainly.

Mr. AUSTIN. Is the 6-percent limitation on the fixed fee on the same level that is provided for other appropriations for the national defense?

Mr. ADAMS. That is my understanding. It is a maximum limitation of 6 percent on fixed-fee cost-plus contracts. That is, there will necessarily be made an audit of the contract; and while excess payments may be made, all in excess of 6 percent is to be refunded.

Mr. AUSTIN. Mr. President, one further question: I notice that the joint resolution carries an appropriation of \$40,000,000 for the Department of Agriculture. I should like an explanation of how that item happens to come in at this time. What is it for?

Mr. ADAMS. Mr. President, this appropriation was presented to the Senate Appropriations Committee, and was not incorporated in the supplemental bill. It is now urged in the House and is urged in the Senate that this appropriation is essential in order to provide additional money for the enforcement of an act recently passed by the Congress with reference to the administration of the Commodity Exchange Act, due to the fact that the Congress has seen fit to add to the products subject to that act cottonseed oil, tallow, lard, peanut oil, soybean oil, and other fats and oils. We are told that that involves an increased cost, and that this amount is necessary. I am perfectly frank to say to the Senator that the only information I have on the subject is that contained in the statement coming from the Budget Bureau.

Mr. AUSTIN. May I inquire if the Senator knows whether the Committee on Appropriations studied this item when it considered the supplemental agricultural appropriation bill, or was it merely overlooked?

Mr. ADAMS. It was not studied. On the other hand, it was not overlooked. It was not included because the bill had passed, but had not become law. That was the reason why it was not included.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

SUPPLEMENTAL APPROPRIATION BILL, NATIONAL LABOR RELATIONS BOARD

Mr. WAGNER. Mr. President, I should like to make an inquiry because of an uncertainty which has arisen with reference to an amendment made to the deficiency bill while it was before us, in relation to the appropriation for the National Labor Relations Board. I have here a letter from Judge Padway, general counsel of the American Federation of Labor, expressing grave concern about the matter.

As the bill was before the Senate originally, it not only deprived the National Labor Relations Board of all appropriations to be used for the Division of Economic Research and the Division of Technical Service, but it also provided that no appropriation should be used for any of the functions which had been assigned by the Labor Board to either of those particular bureaus.

I called the attention of the Senate to the fact that if the provision were agreed to, it would in effect seriously cripple if not practically repeal the National Labor Relations Act, because functions which had been assigned to either of these research bureaus were absolutely essential for carrying out the purposes and the provisions of the law. For instance, they were frequently required, when a charge was filed, to ascertain by their research work whether or not the particular industry involved in the complaint was engaged in interstate commerce. Until that jurisdictional matter was settled, the Board could not determine the question as to whether it should issue a complaint.

After I called these facts to the attention of the Senate, and yielding to the demand of the House that the Economic Research Division and the Technical Service Division should be abolished, I offered an amendment providing for the elimination of the provisions of the bill which prohibited the Labor Relations Board from exercising the functions which had been assigned to this particular bureau. The amendment was adopted, together with another amendment which made it very clear that none of these provisions was intended in any way to affect the functions or duties of the Labor Relations Board under the act. In addition, the \$3,200 limitation inserted in the bill by the Senate committee was subject to some misunderstanding, but this was clarified by the explanation given on the floor by the Senators in charge of the bill, in response to my questions.

Thereafter the bill went to conference, and the conferees of the House receded upon the amendments made by the Senate, so that the amendments became law. The new language inserted by the conferees, in fact, strengthened the intent of my amendment.

While the discussion of my amendment was proceeding in the House, the gentleman from Virginia [Mr. WOODRUM], the chairman of the House conferees, made a statement, I am sure unintentionally, which is apt to confuse the situation, and to create an uncertainty which might in itself interfere with the administration of the act, since the Board would be uncertain as to whether there was an intent to repeal part of the Labor Relations Act. The gentleman from Virginia [Mr. WOODRUM], when he was asked a question, made this statement as it appears in the CONGRESSIONAL RECORD on page 13234:

It is understood by the conferees that the revised Senate language as now contained in the conference report will discontinue the personnel and the functions of that Division.

With the exception, he said, of certain personnel permitted to be retained to collect certain records.

If this were an accurate statement of the purport of the bill, it would mean that such functions as I have just mentioned and others to which I referred the other day—functions which are absolutely essential for the administration of the act—would be wholly prohibited. The result would be to repeal major features of the act and to prevent the Board from functioning at all in many cases.

I know the conferees did not intend such a result, nor does the conference report itself lead to such a result; indeed, the language actually adopted shows the contrary. Of course, we all know that when there is a conflict between the wording of an act and the mere statement of someone upon the floor of either House as to the intent, the language of the act prevails.

I am sure the conferees did not intend to eliminate all of the functions to which I have referred, which are an essential part of the administration of the act. In order that there may be no uncertainty, I desire to inquire of the Senator from Colorado [Mr. ADAMS], who I think was chairman of the conference, whether he or the conferees construed the amendment not only to abolish the Economic Research Division and the Division of Technical Service, but also to discontinue functions which are, as I have said, essential to the administration of the act.

Mr. ADAMS. Mr. President, I think the bill as it came from the conference committee, and as it was approved by the Senate, is perfectly clear on its face. I do not know that anything could be stated more clearly than the bill itself states its purpose. I can see no ground for the contention that the functions of the Labor Relations Board were in any way repealed, because there was specific provision in the conference report that no part of the Labor Relations Act was repealed. I do not have the exact language, but such a thought was expressed.

So far as the abolishing of these two divisions or bureaus is concerned, the Senator from New York acquiesced in the desire of the House, so that they went out in accordance with the House desires, and the acquiescence of the Senator. But the functions of the National Labor Relations Board were spe-

cifically saved by the saving clause, which was the last sentence in the paragraph referred to.

Mr. WAGNER. Were they not also saved by the amendment which I had offered which eliminated from the bill as it appeared before the Senate that feature of it which abolished not only the economic research or technical service divisions, but also the functions which had been assigned to them?

Mr. ADAMS. As the Senator knows, the conference committee accepted the language which the Senator from New York had put in.

Mr. WAGNER. Exactly.

Mr. ADAMS. We assumed the Senator from New York knew just what he was doing, and it never occurred to us even to inquire or question the effect of the amendment.

Mr. WAGNER. I am sure the conferees knew what the purpose of the amendment was. I stated my purpose at length and with great clarity when the matter was before the Senate.

Mr. BYRNES. Mr. President, will the Senator from New York yield?

Mr. WAGNER. I yield.

Mr. BYRNES. I do not think the statement of any individual conferee on the floor of the House or on the floor of the Senate could affect the interpretation of the language in the conference report, because it is not ambiguous in any way.

The Senate adopted a proviso offered by the Senator from New York. The conferees on the part of the Senate, representing the view of the Senate, insisted upon its retention in the bill. It was retained with but one change, the addition of the word "specific." Just because there was some discussion about the matter, and because, as one member of the conference, I believed in insisting on the view of the Senate, in order to remove any doubt I offered the language which was added to the proviso of the Senator from New York, which was to the effect that nothing therein contained should be construed as repealing any provision of the Labor Relations Act. So that there can be no doubt that no function can be abolished unless we repeal some provision of the Labor Relations Act. We can do that only by an act repealing some such provision. The language of the House abolished bureaus which had been established by the Board in the administration of the law, but no provision of the Labor Relations Act was repealed. The conferees took the position of the Senate that that should not be done.

Mr. WAGNER. And any money appropriated and expended for the purpose of carrying out these functions is within the province of the act and is perfectly legal, I take it.

Mr. BYRNES. That certainly is my view.

Mr. WAGNER. I thank the Senator very much.

CONSIDERATION OF BILLS ON THE CALENDAR

Mr. BARKLEY. Mr. President, since the last call of the calendar, which was on the 30th of September, a few bills have been reported by committees, and I think it is wiser to call the new bills on the calendar than to try to pick out measures which may be thought more meritorious than others and attempt to act upon them. Therefore I ask unanimous consent that the Senate proceed to the call of the calendar for the consideration of unobjected-to bills, beginning with Calendar No. 2305.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the first order of business.

MONEY ALLOWANCE FOR NONCOMMISSIONED OFFICERS' QUARTERS

The bill (S. 4366) to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States was announced as first in order.

Mr. THOMAS of Utah. The House has passed a similar bill to the Senate bill. Therefore I ask that House bill 10527 be substituted for Senate bill 4366 and that the House bill be considered.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 10527) to provide for an extension of the conditions under which a money allowance for quarters may be paid to

certain noncommissioned officers of the Army of the United States; which was read twice by its title.

Mr. AUSTIN. May I inquire the calendar number of the Senate bill?

Mr. THOMAS of Utah. It is Calendar No. 2305.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah that House bill 10527 be substituted for the Senate bill and be now considered?

There being no objection, the bill H. R. 10527 was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4366 will be indefinitely postponed.

ORGANIZATION BY STATES OF MILITARY UNITS

The bill (S. 4175) to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes, was announced as next in order.

Mr. HOLT. I ask that the bill be passed over.

Mr. THOMAS of Utah. Mr. President, I trust the Senator from West Virginia will withhold his objection to the present consideration of the bill. This is the home guard bill, and it has been asked for by the Governors of several States.

Mr. HOLT. There is no protection in the bill in case a Governor wishes to set up a National Guard to be used in a labor controversy, is there?

Mr. THOMAS of Utah. Yes, I think such protection has been provided by the change in the language of the measure to meet the objections which have been made to the home-defense bill by certain persons who thought the organization provided for would not be a regular National Guard organization in the ordinary sense. The objections have now been overcome in the amendment set out in the House bill, which I shall move be substituted for the Senate bill, and be considered.

Mr. HOLT. Mr. President, will the Senator yield further?

Mr. THOMAS of Utah. I shall be glad to yield.

Mr. HOLT. My objection is that I do not want a vigilante force set up by the different Governors. In this day of hysteria I think we ought to provide every safeguard against such procedure. As I read the bill I do not think it contains such a safeguard.

Mr. THOMAS of Utah. Mr. President, I think it would be easy to answer that objection. No one wishes a vigilante guard in the United States. There is no need for such an organization. In fact, the labor organizations, which were fearful that that might happen, made formal protests to the consideration of any bill which would make it possible for such a thing to happen. Of course, no member of the Military Affairs Committee wanted that sort of thing to take place. Probably the most remarkable compliment that has come to the National Guard in the course of its history came from the heads of one of the largest labor organizations, who wanted put behind the home-guard organizations all the rights, all the privileges, all the laws that pertain to the National Guard Act. That is what I think will result if we pass the bill as the House committee changed it and as the House accepted it.

Mr. HOLT. I admit I have not had a chance to read the bill thoroughly. If the bill should be passed and I should find that it does not clearly provide the protection I suggest, would the Senator object if I should make a motion to reconsider the vote by which the measure was passed?

Mr. JOHNSON of Colorado and Mr. AUSTIN rose.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. THOMAS of Utah. I yield first to the Senator from Colorado.

Mr. JOHNSON of Colorado. I wish to say to the Senator from West Virginia that when the bill first came to the Committee on Military Affairs the Senator from Utah and I opposed it, until it was amended so as to take care of the very point the Senator from West Virginia has in mind. In other words, the House bill, and the bill as it came to the Senate, as I interpret it, and as some of the labor organizations in my own State interpret it, gave the Governor of a State a chance to set

up a sort of vigilante organization within the State, but the Senate committee amendment is supposed to take care of that. I refer to the language in line 3, page 3, of the bill. The language is not clear to me. It seems rather awkward, but we were asked to draw the language in that way, and I presume it is correctly drawn. It says—

Mr. AUSTIN. Mr. President, will the Senator yield to me for a suggestion at that point?

Mr. JOHNSON of Colorado. I wish to finish my remarks, and then I shall be glad to yield.

Mr. AUSTIN. I wanted to help the Senator find that line.

Mr. JOHNSON of Colorado. What line is it?

Mr. AUSTIN. Line 5. The language provides that the organizations are to be set up under the laws of the States; that the legislatures shall have control, instead of the Governors.

Mr. JOHNSON of Colorado. That is what I am looking for.

Mr. AUSTIN. Is the Senator looking at the bill which it is proposed to substitute for the Senate bill—that is, House bill 10495?

Mr. JOHNSON of Colorado. I am looking at the wrong bill. What line is it on in the House bill?

Mr. AUSTIN. Page 3, line 5, of House bill 10495.

Mr. JOHNSON of Colorado. I have the right bill now. Beginning in line 3, page 3, as the Senator from Vermont stated, is the following language:

That under such regulations as the Secretary of War may prescribe, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized—

And so forth. "By the laws of such State" is the saving clause in that whole situation; and, of course, if the State passes a law and the organization operates under a State law, it could not possibly be a vigilante organization. I wish to call the attention of the Senator from West Virginia to the fact that the House bill does authorize a vigilante organization, but we will amend the House bill. It will go to conference, and none of us know when it will come out of conference, and I think we ought to have some strong assurances from the Senator who is in charge of the bill that when it goes to conference the Senate amendment will be adhered to.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I am glad to yield.

Mr. HOLT. With that assurance from both the Senator from Utah and the Senator from Colorado, I have no objection. But I understood from what the Senator from Colorado said that the bill would allow a vigilante organization to be set up. Of course, we all know that in time of war, or preceding war, there is much hysteria, and great injustice is often done. That is why I objected. I think the House bill would allow a vigilante organization to be set up, and I think it could be used for strike breaking under the provisions of the House bill. I may be wrong in that respect. I was of that opinion after reading the measure. If it is amended by the Senate, of course that will make a difference, and with such an amendment I can see that there will be a vast improvement.

Mr. ADAMS. Mr. President, I wish to make an inquiry. As I see the bill, it is premised upon the principle that the right of the State to maintain a militia can absolutely be taken away by an act of Congress. In other words, it is provided in the measure that no State shall maintain troops in time of peace other than authorized by this measure. If that principle is sound, Congress can say that no State shall at any time maintain a militia.

It seems to me it is proposed to deny to the State or to attempt to deny to the State a right which I understood it has fundamentally; that is, the right to maintain a militia within the State for its defensive purposes within the State. That is something which belongs to the State as of right, and not something which is granted to the State as a privilege by the Federal Government. Am I correct in that interpretation?

Mr. THOMAS of Utah. That, of course, is true, but since 1916, in the National Defense Act—

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. May I finish my answer to the Senator from Colorado?

Mr. AUSTIN. I wish to say that I think that is not true, and therefore I should like the Senator to permit an interruption.

Mr. THOMAS of Utah. I would just as soon have the question answered by the Senator from Vermont as by the Senator from Utah. For that purpose I shall be glad to be interrupted.

Mr. AUSTIN. Mr. President, the difficulty with the position taken by the Senator from Colorado is that it is just the reverse of the fundamental situation. In the Constitution there is the flat prohibition which I read:

No State shall, without the consent of Congress, * * * keep troops—

Mr. ADAMS. Read the entire section.

Mr. AUSTIN. I will read the entire section:

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

In order to conform this proposed legislation to the Constitution the language of the Constitution is employed. It is not smooth language; and there are some things about the style of the amendment which I think could be improved, which would make it more of a grant than it appears on its face to be. It undertakes to give the consent of Congress in a very limited way, and to retain the control of Congress to the extent that the Constitution requires in another provision, namely:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of officers, and the authority of training the militia according to the discipline prescribed by Congress.

It was my intention, if the Senate should agree to proceed to the consideration of the substitute, to ask the Senate to accept an amendment by adding, in line 3 on page 3, the words which I have just read from the Constitution, "for discipline in training", so as to read:

That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service.

Mr. ADAMS. Mr. President, may I interrupt the Senator?

Mr. AUSTIN. I have concluded.

Mr. ADAMS. May I make an inquiry, with the permission of the Senator from Utah?

Mr. THOMAS of Utah. I yield.

Mr. ADAMS. The second amendment to the Constitution asserts the right to maintain a militia. I gather that the Senator has construed that amendment as referring to what, in the previous discussion, has been called the unorganized militia. That is, it reserves the right of individual citizens to bear arms, rather than the right of the State to organize the individual citizens, with their arms, into any form of militia or guard organization.

Mr. AUSTIN. I concur in that idea, believing that when it comes to organization we are governed by the other provision of the Constitution relating to organization; namely, to provide for organizing the militia. That is exactly the language. Paragraph 16 of section 8 of article I of the Constitution reads:

To provide for organizing, arming, and disciplining the militia—

And so forth. I think every State may have a well-regulated militia, under the second amendment, it being necessary to the security of a free State.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

But in order for a State government as such to maintain troops which are organized into an effective military unit, I believe the State must conform to the provision of the Constitution relating to organization.

Mr. ADAMS. So the Senator does not feel that the second amendment was enacted to make provision for State-organized militia, which right, under the original Constitution, might be construed to be denied? As the Senator knows, the amendments were adopted largely to preserve the rights of the States and the rights of individual citizens. I am asking the two Senators, who are expert military men, to elucidate the matter.

Mr. AUSTIN. I appreciate the comedy of the Senator's remark.

Mr. President, I think we must construe all the provisions of the Constitution together—those in the original Constitution and those in the amendments—and they should all be given effect. None of them should be regarded as killing off any other if construction will permit life. They may all be construed together, keeping every one of them active and operative, upon our relationship in a federation—and reasonably, too, as I see it.

Mr. ADAMS. Then I am correct in my original theory that the argument is premised upon the view that no State organization bearing arms may be permitted except with the consent of Congress, regardless of the name or character of the organization?

Mr. AUSTIN. That is correct.

Mr. KING. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. KING. I should like to ask the Senator from Vermont a question. If I correctly understand the Senator, he interprets the second amendment—

Mr. AUSTIN. Let me interpolate. I mean in time of peace, of course. Does the Senator understand that I answer on that assumption?

Mr. ADAMS. I understand; but it does not occur to me that there is any difference. If Congress may control in time of peace, it may control in time of war.

Mr. AUSTIN. No; the Constitution provides for that. The Constitution distinguishes between time of peace and time of war in respect to maintenance of troops. The prohibition is limited. Let me read it once more:

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Altogether, it is perfectly clear, it seems to me, that there is nothing in this prohibition on the keeping of troops which would prevent a State in imminent danger of invasion, such as will not admit of delay, from calling out its militia to repel invasion, or in time of war maintaining troops or ships of war.

Mr. KING. Mr. President, will the Senator further yield?

Mr. THOMAS of Utah. I yield.

Mr. KING. I confess that I am not in harmony with the views expounded by the able Senator from Vermont. The Senator will recall that during the time when the Constitution was under consideration by the various States there were apprehensions that too much power had been conferred upon the Federal Government and too little power had been reserved to the States; and many of those who participated in the Constitutional Convention, and many who did not, but who belonged to various State governments, were very much concerned about the power of the Federal Government to maintain an army, and all that sort of thing. They wanted the States to have the right to maintain their own militia.

It seems to me that the second amendment was a challenge in a way, or a modification in a way, of some of the provisions to which the Senator has called attention. The amendments to the Constitution, like a repealing statute, by implication if not directly, would supersede the Constitution if there were a conflict.

The second amendment reads:

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Obviously, that would seem to connote that the States have the right to determine the form of the militia, the size of the militia, and the purposes for which the militia may be utilized. If I correctly understand the construction which the Senator places upon the second amendment, it would seem to subordinate the amendment to some of the provisions of the Constitution per se. I regard it as an amendment to the Constitution, a limitation upon some of the powers granted in the Constitution. All the amendments are supplemental to and in addition to the Constitution, and in some respects modify the Constitution.

Mr. AUSTIN. Mr. President, I very much appreciate this discussion by the learned Senator from Utah, whose views regarding the Constitution and its history in the formation of the Government are of such great value.

My own view is to some degree affected by Washington's Barrack Book and his interpretation of the word "militia." From my study of this matter I am persuaded that Washington contemplated universal training, and that the militia of which he speaks, and the words "well regulated" which are found in the Constitution, mean exactly the same thing in the Constitution and in his Barrack Book; namely, a citizenry which is competent by training always to defend its rights and its Government and maintain peace and order. The amendment is, of course, a modification of the Constitution; but let me ask, in what respect does it appear to be in conflict with the Constitution, so that it could not stand and leave the Constitution in effect, too? I do not find a conflict. I find that it is an amendment of reassurance to the several States that the prohibition against the maintenance of troops in time of peace within a State shall not exclude the keeping of arms or the training of citizens and having them well regulated. I think the whole makes a well-unified provision for national and local defense, and corroborates the views I have held for some time, that the original plan of the Republic contemplated a citizenry that was well trained and competent at all times to bear arms in combat, if necessary, for the preservation of the principles upon which the Government was founded.

Mr. KING. Mr. President, will the Senator from Utah yield to me?

Mr. THOMAS of Utah. I am glad to yield to my colleague.

Mr. KING. The Senator from Vermont, in my opinion, if I correctly understand his position, would make wholly unnecessary the amendment to which attention has been called, because, if I understand his interpretation, the Constitution gave to the Federal Government the right to determine the form of the militia, the character of the militia, and the purpose for which it was used. That would, of course, relate to regulation, to its activities, and, if that be true, then the amendment would be surplusage, and there would be no necessity of adopting it, if, under the Constitution, the power existed to maintain the militia and determine its activities. It seems to me it was a manifestation of a jealous regard for the rights of the States as against the aggressions of the Federal Government. I concede that the Federalists in those days—and we have some of them now—placed an interpretation upon the Constitution which I think is at variance with what I conceive to be its true interpretation, the one which connotes greater liberty to the individual and greater liberty to the sovereign States. It seems to me that those who drafted this amendment of the Constitution were all the time trying to limit the Federal Government and to restrain the power which some conceived to have been granted to it.

The Senator will recall that Patrick Henry and others in Virginia refused to vote for the ratification of the Constitution because they said it conferred too much power; and so they set themselves to the task of limiting the power of the Federal Government. The first 10 amendments were limitations upon the powers which were in the Federal Government or asserted by or granted to the Federal Government.

As I construe it—and yet I defer to the learning of my dear friend from Vermont, whose understanding of constitutional government I gladly concede—I interpret it to mean a limitation upon the power of the Federal Government and to say that the States shall have the right to regulate the militia and maintain the militia, and that they cannot regulate it unless they have it. This gives them the power to have a militia and regulate it and maintain it as they may see fit, of course, not in contravention of any delegated powers that would be opposed to the maintenance of the Federal Government.

Mr. AUSTIN. Mr. President, will the Senator from Utah yield further?

The PRESIDING OFFICER [Mr. MINTON in the chair]. Does the Senator from Utah yield to the Senator from Vermont?

Mr. THOMAS of Utah. I yield to the Senator from Vermont.

Mr. AUSTIN. I will detain the Senate but a moment further.

The difference between the organized and the unorganized militia has been recognized many times, and in the National Defense Act of 1916 and as it has been amended from time to time since then, the Senator will find that difference recognized. I do not have it before me, so I cannot turn to the chapter and paragraph, but I well remember the provisions therein relating to the unorganized militia of the country and the definition of members of the unorganized militia. There are provisions that deal with the organized militia, which resulted in the National Guard, and, ultimately, the National Guard of the United States. There is a difference. Whether it is theoretically improper or wrong, it is a difference that exists and is a reality in our life.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Texas?

Mr. THOMAS of Utah. I yield.

Mr. CONNALLY. I wish to suggest to the Senator from Utah some thoughts along this line. I think there is some confusion as to the distinction between troops and militia. The language of the original section of the Constitution reads:

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops—

That, to my mind, carries the connotation of a regular armed force, a regular military force. I do not think that language contemplates the militia or the organized militia, nor do I think it includes the unorganized militia. Of course, the unorganized militia is a term of rather broad application. It means every man, whether he is in the Army or the National Guard, or anywhere else, subject to military duty, the mass of the citizenship. While I have not read the cases, I desire to refer to some Supreme Court decisions, and to read from the syllabus.

The States cannot, without the consent of Congress, levy war, or make peace, or enter into a compact with any other State. The organization and maintenance of an active State militia is not a keeping of troops in time of peace within the prohibition of this clause.

I commend this language to the Senator from Vermont.

The organization and maintenance of an active State militia is not a keeping of troops in time of peace within the prohibition of this clause. This clause contemplates the use of the State's military power to put down an armed insurrection too strong to be controlled by civil authority, and the State concerned must determine what degree of force the crisis demands.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. CONNALLY. I will yield in a moment. So I think the use of the word "troops" in the original Constitution contemplated something like a regular armed force, a standing army, as it were, and did not contemplate the organization by the State of the militia or the National Guard for the enforcement of civil responsibilities.

I now yield to the Senator from Vermont.

Mr. AUSTIN. I am interested to learn what the facts were in that case.

Mr. CONNALLY. There are several cases. I said that I had not read them in detail.

Mr. AUSTIN. I mean the facts with respect to the character of the danger involved.

Mr. CONNALLY. One of these cases arose in the neighborhood of the Senator from Vermont. It is the case of *New Hampshire v. Louisiana* (108 U. S. 76). Then there are the cases of *Dunne v. People* (94 Illinois 120); *Luther v. Borden* (7 Howard 45).

State v. Wagener (77 Northwestern 424), which was a State court decision, I assume.

Presser v. Illinois (116 U. S. 252) and *Alabama Great South. Railroad Co. v. United States* (49 C. C. 522).

I repeat I have not read all these decisions, but they are all listed under the syllabus which I read.

I will admit that, in my mind, the subject has been somewhat hazy as to just where the line of demarkation properly rests, but it seems to me quite clear that when the word "troops" is used, it does not mean the National Guard or the militia, but an army.

Mr. AUSTIN. I think, perhaps, the Senator may be correct; I do not know; I have never seen the cases to which he refers.

Mr. CONNALLY. Let me state furthermore to the Senator from Utah that I do not go quite so far as does the Senator from Utah as to the second amendment. As will be remembered, most of the first 10 amendments were personal in their character; they were the Bill of Rights; they are guaranties to citizens—to the people:

A well-regulated militia, being necessary to the security of a free state, the right of the people—

Nothing is said about a State, but the right of individual citizens—

to keep and bear arms shall not be infringed.

I think that was intended more as a personal guaranty, so that every citizen if he wanted to keep his old rifle hanging over the door would have the right to do so. But I do not believe the original clause of the Constitution inhibited the organization of State militia and State troops. I believe they could be organized without this bill if the States so desired; and I will say to the Senator, if he will permit me another word, I do not like the language of this bill which turns it all over to the Secretary of War and allows him to say.

Mr. AUSTIN. Will the Senator yield at that point?

Mr. CONNALLY. I yield, if I have the floor.

Mr. AUSTIN. If the amendment should be agreed to which I propose to offer, it would not be turned over to the Secretary of War beyond the point required by the Constitution relating to discipline. I wish to add the words "for discipline in training." Those are the words which are contained in the provision relating to the organization of the militia in article I, section 8, paragraph 16, of the Constitution.

Mr. McKELLAR. I hope the Senator will accept that amendment. I think it should be accepted.

Mr. AUSTIN. Will the Senator from Utah accept those words?

Mr. THOMAS of Utah. I should like to reach the point where I could accept those words, but the Senate has been somewhat disorderly, if we are proceeding under the rules which generally govern during the discussion of the Unanimous Consent Calendar. This is the parliamentary situation as I understand it: The calendar was called and the Senator from West Virginia objected to the consideration of Calendar No. 2306, Senate bill 4175. If the Senator from West Virginia will now withdraw his objection, I should like to move, Mr. President, that there be substituted House bill 10495, which is on the calendar, No. 2329, for Senate bill 2306, which is Calendar No. 2306. The House bill is found on the following page, next to the last item on page 12 of the calendar.

Mr. ADAMS. May I ask whether there is any difference between the two? That is, there is an amendment to each. Are they identical?

Mr. THOMAS of Utah. They are not absolutely identical; and we desire to offer an amendment to the House bill. I

should like to accept the amendment of the Senator from Vermont, and then either the House will accept our amendment or the matter will go to conference, and we can adjust what differences there are.

Mr. ADAMS. What the Senator wants to do then is to take up the House bill?

Mr. THOMAS of Utah. That is true; to consider the House bill instead of the Senate bill, the former having already passed the House.

Mr. KING. Mr. President, will my colleague yield?

Mr. THOMAS of Utah. Certainly.

Mr. KING. Does the House bill carry out the spirit, if not the letter, of the second amendment to the Constitution of the United States?

Mr. THOMAS of Utah. I think there is no doubt about that. We have all listened to this discussion. The Government in regard to its National Guard has been operating since 1916, and is operating today, under the existing law, which was passed in 1916; and all the constitutional points which have been discussed were faced in 1916 and discussed in 1916 much as they have been discussed today.

Section 61 of the act reads:

No State shall maintain troops in time of peace—

Notice the words "in time of peace"—

other than as authorized in accordance with the organization prescribed under this act: *Provided*,—

Mr. ADAMS. Mr. President, is the Senator reading from the House bill?

Mr. THOMAS of Utah. No; I am reading from the National Defense Act of 1916, the law which is to be amended.

Mr. CONNALLY. Mr. President, will the Senator yield at that point for just a moment?

Mr. THOMAS of Utah. I shall be glad to yield.

Mr. CONNALLY. Along the lines I suggested a moment ago, I desire to remind the Senator that long before the enactment of the National Guard bill in 1916 practically all the States maintained their own State guards without any complaint from Congress or anybody else, which would bear out the idea that this language in the Constitution was never intended to prohibit the States from maintaining their regular militia for training, and so forth.

Mr. THOMAS of Utah. I think the law of 1916 was perfectly constitutional; that it worked out the various relationships between the armed forces of the States and the Nation; and, if I may be permitted to read the law as far as I shall go, it will be found that each one of these points is contained in the law:

Provided, That nothing contained in this act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance of State police or constabulary.

Mr. GIBSON. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield to the Senator from Vermont.

Mr. GIBSON. Has the committee considered the status of the National Guard when called into the Federal service and mustered into and becoming a part of the Army of the United States? Do they not then cease to be National Guard?

Mr. THOMAS of Utah. Mr. President, the Senator from Vermont has hit upon the very reason which has made necessary this home-guard bill, if we may call it that. It is the wrong term for it now, because it is merely an extension of the National Guard.

We are in time of peace. The Federal Government is calling out the National Guard of many of the States for a year's service. They do not become regular Federal troops in the sense that they become such in time of war.

For example, in time of war in 1917, when a National Guard regiment was called into the national service there was, of course, created in the State a National Guard vacancy. There were always in the regiment officers who did not go with their units to the front, around which nucleus the National Guard

could be expanded; and under those circumstances the States were never left without any troop protection at all.

Since 1916 the scheme of the National Guard has been to be coordinate units with the Regular Army. Various units have been called out; and it is the larger unit training that was contemplated in the passage of the National Guard Act. Therefore, the States are almost entirely stripped of their complete allotments if they go.

It, of course, is understood that no unit is accepted entirely, because when it goes into the Federal service there are examinations and adjustments and other arrangements; but the law of the land controls the number of persons who may be in the National Guard in each of the States. They are limited to a certain number for each congressional district. As a result, it is impossible to expand the National Guard around this nucleus without new legislation. It is because of the various conditions I have mentioned that the States whose units have been called have come to the Federal Government and asked for an extension of the act so that they will not be left without military force.

Mr. GIBSON. Mr. President, I still wish to get clear in my mind, if I can, this matter: When the National Guard goes into the Federal service at the present time, it does not become a part of the Army of the United States; does it?

Mr. THOMAS of Utah. It becomes a part of the Army of the United States with this qualification: It does not lose its identity as the National Guard of the State and of the United States. The law governing the size of the National Guard still prevails.

Mr. GIBSON. Let me say to the Senator that I remember reading a decision of the Vermont Supreme Court when the militia of Vermont was called into the Spanish-American War. I think Governor Smith was then Governor of Vermont. He formed a new National Guard regiment. Somebody questioned his right to do it; and our supreme court at that time held that he had the right, because when the men were called into the service they ceased to be National Guard or State militia, but when they came back and went out of the Federal service they then became National Guard, and those who had taken their places were out.

It seems to me that is exactly the situation we now face. I certainly want to have some kind of a home guard, but I wonder if it is not the fact that when the National Guard is called into the Federal service a vacancy is created which, in accordance with the State law, the Governor may fill.

Mr. THOMAS of Utah. At the time of the Spanish-American War the National Defense Act of 1916 was not on the statute books. The National Guard of the United States was not contemplated and was not organized—that is, the federalization of the National Guard of the various States. As a result of the passage of the National Defense Act of 1916, there has been a changed condition in the National Guard; and it is in order to fit these peacetime training requirements into the National Defense Act of 1916 that the enactment of this bill is necessary.

In the case of the Spanish-American War we were operating in wartime. The National Guard at present is being called into training in peacetime; and the attorneys in the War Department claim that the enactment of this bill is necessary in order to enable the States to have a military force.

Mr. GIBSON. Is it claimed that when the National Guard is federalized, when its members take the oath and are mustered into the Federal service, it is then still the National Guard of the States?

Mr. THOMAS of Utah. It becomes the National Guard of the United States, and it maintains its units.

Mr. GIBSON. It is different than the National Guard of the State?

Mr. THOMAS of Utah. It may be different. The two may go hand in hand. For instance, a federalized unit may have in it certain persons who have not yet been federally recognized. Under the law there is provision for the National Guard of the United States and the National Guard of the States.

Mr. GIBSON. Does the Senator think that when the men are mustered into the Federal service they are still the National Guard of the States?

Mr. THOMAS of Utah. I am sure that under the National Guard Act that condition has not entirely changed; that the men will serve during peacetime, during their year of training, and then return to the States. If the Senator puts to me the question as to who may command those soldiers the better—the President of the United States or the Governor of the State—of course, the President of the United States, as he has the men under training, would have de facto control, if not de jure control.

Mr. GIBSON. When they are mustered into the Federal service, the adjutant general of the State ceases to have anything to do with them, does he not?

Mr. THOMAS of Utah. The adjutant general?

Mr. GIBSON. Yes; once the National Guard is mustered into the Federal service, the adjutant general of a State has no more control over the troops?

Mr. THOMAS of Utah. I think that would be the case during the year's training, and then, when they came back, they would immediately return to their old State jurisdiction.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. CLARK of Missouri. I should like to be very certain of the Senator's ground as to the legal status of this matter, as to what the status of the National Guard, when called out, will be when they return home.

I was a member of the National Guard in 1917 when we were drafted into the Federal service. When we returned we found that during our absence some States, New York, Missouri, and Pennsylvania, I believe, to mention only three of them, had set up home guards. They claimed to be the National Guard when we returned after serving 2 years abroad.

I should like to be very certain as to the effect of the bill which the Senator is now proposing, because I heard several very violent disputes about that matter when I returned from my Army service. As a matter of fact, I was myself elected president of the National Guard Association of the United States in a dispute as to whether the so-called home guards from such States as New York, Pennsylvania, and Missouri, were to control the National Guard Association, or whether the men who had actually gone overseas and done the fighting were to control it. As I have said, I was myself elected president of the National Guard Association of the United States on that issue. So I should like to be very certain as to the information of the Senator in this matter.

Mr. THOMAS of Utah. There are some differences, because by this amendment the men who may come into the National Guard under the home-guard arrangement will have a different status, and they will serve in a way different from that of the ordinary guard.

Mr. CLARK of Missouri. Of course, they are not ordinary guardsmen. In other words, they are not subject, as the National Guard is, to being ordered or drafted into the Federal service.

Mr. THOMAS of Utah. That is true, they are not subject to duty outside of the State. They are an entity quite different from the ordinary National Guard unit which has gone into training.

Mr. CLARK of Missouri. I am afraid that the Senator from Utah will find, if unfortunately we should get into war, as it seems today we are about to do, that the National Guard, the men who have enlisted to serve in the United States Army, are ordered overseas, when they return home will find that the so-called home-guard men are trying to usurp the title of National Guard men, and to occupy the place the National Guard should occupy in the national-defense scheme of the United States.

Mr. THOMAS of Utah. I am in entire agreement with the Senator from Missouri. That did happen, and it was in time of war, when the National Guard units were taken into the

Federal service and became members of the Army of the United States, which included all of the various units.

Mr. CLARK of Missouri. We were all taken into one family by draft on August 4, 1917, the whole National Guard of the United States—generals, colonels, majors, captains, sergeants, corporals, privates—we were all taken in at the same time.

Mr. THOMAS of Utah. I remember that very well; but still they were not all 100-percent accepted, because there was always an officer here or a man there who did not qualify. Those units were expanded and brought up to wartime strength, and during the entire war there were always enough men who did not go to keep the organizations together. For instance, in one State a squadron of cavalry, for example, a State unit, was turned into artillery, and the cavalry officers were not qualified for the new State unit, and no cavalry was called at that particular time. So that the Governor did have a nucleus, and he built around that nucleus; and when the rivalry came, I think it came not from the ordinary home guard, but it came from the National Guard man who was left at home, who found himself in command of what might be termed the "home guard," and then when regular units came back he was rather jealous; and it took time to adjust those matters.

Mr. DANAHER. Mr. President, I should like to submit a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The Senator will state it.

Mr. DANAHER. I should like to know whether there is some way reasonably and courteously by which a noncombatant here may suggest that this bill go back to the foot of the list, so that we may finish the calendar. I should like to have the Senate get through the calendar and then come back to this bill, if the Senate desires to proceed with it. I do not want to act discourteously to the Senator from Utah, but I certainly should like to conclude the calendar.

Mr. THOMAS of Utah. Mr. President, if the two motions I have made are agreed to, we will be at the foot of the calendar, so far as the bill is concerned.

I inquire if the Senator from West Virginia has withdrawn his objection. I presume we are operating under the rules which govern the procedure during the unanimous-consent call of the calendar.

Mr. HOLT. Mr. President, before withdrawing my objection, I should like to ask the Senator a question. Does the bill which he wants passed contain the amendment which I desire relative to furnishing protection in labor disputes against vigilantes? I think there is a difference between the two bills.

Mr. THOMAS of Utah. There is a difference between the two bills, but the Senator will recall that these units will be controlled by the rules governing the National Guard. There is no more fear about them being used as vigilantes than of the present National Guard being so used. That is what persons who were afraid of the home-guard idea wanted, namely, that the units should be controlled by the laws which control the National Guard.

Mr. HOLT. Then I have no objection to the Senator continuing with the bill.

Mr. KING. Mr. President, I am not a member of the committee, and I have not seen the House bill and am not familiar with its terms. If I can be assured that it does not impinge upon or in any way modify or attempt to modify the provisions of the second amendment to the Constitution of the United States I shall be inclined to vote for the bill, but if it does interfere with the right of a State to regulate its own militia for the security of a free State and the rights of the people, and so forth, I shall feel constrained to vote against it. I shall not object to consideration, but before I vote for it I want to be assured that it does not interfere in any way with the second amendment to the Constitution. In view of the fact that the gravitational forces in this Republic are so powerful today, sweeping aside too often the rights of individuals and States, I look with suspicion upon some of the measures which have been brought before us,

which tend, as I interpret them, to consolidate all State governments with the National Government and to interfere with the rights of the States.

Mr. AUSTIN. Mr. President, let me give the Senator assurance that the bill answers exactly the question propounded by him. Let me read:

Provided further, That such forces shall not be called, ordered, or in any manner drafted as such into the military service of the United States.

The bill provides more for a State militia than anything we have ever previously devised. We have never had anything so completely narrowed down and under the control of the legislatures of the several States as what this bill provides for, if the amendment I desire to offer shall be agreed to.

Mr. THOMAS of Utah. I may say further, in answer to my colleague, that when the President of the United States calls the organized militia out of a State and has it in training several miles from the State, probably the provision of the Constitution has been pretty well overcome—that is, he has control—and if we do not have provision whereby a State may reorganize its own militia, we are depriving the State of its military protection.

Mr. CLARK of Missouri. Mr. President, will the Senator yield for me to propound a parliamentary inquiry?

Mr. THOMAS of Utah. I yield.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. CLARK of Missouri. As I understand, the parliamentary situation at the present time, Senate bill 4175, calendar number 2306, has been called, and the Senator from Utah has asked unanimous consent to substitute for it a House bill to the same tenor.

The PRESIDING OFFICER. The Senator's statement is correct.

Mr. CLARK of Missouri. Does that request require unanimous consent?

The PRESIDING OFFICER. The Senator from Utah has asked unanimous consent.

Mr. CLARK of Missouri. I ask, does that request require unanimous consent? I am addressing a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The parliamentarian informs the present occupant of the chair that it would require unanimous consent, because of the fact that the House bill has not yet been reached on the calendar. The House bill is on the calendar as No. 2329.

Mr. CLARK of Missouri. Then I object.

The PRESIDING OFFICER. Objection is heard, and the clerk will call the next bill on the calendar.

SURPLUS WAR DEPARTMENT REAL PROPERTY

The Senate proceeded to consider the bill (S. 4240) to authorize the sale under the provisions of the act of March 12, 1926, of surplus War Department real property, which was read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to dispose of by transfer, sale, or otherwise, under the provisions of the act of March 12, 1926 (44 Stat. 203), the several tracts or parcels of real property hereinafter designated, or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance: *Provided,* That the net proceeds from the sale of said properties shall be deposited in the Treasury to the credit of miscellaneous receipts.

Names of reservations with approximate amount of land involved in each instance:

Luverne National Guard Target Range, Ala., 4.96 acres.
Dunn National Guard Target Range, N. C., 7.7 acres.
Alpena National Guard Target Range, Mich., 24.44 acres.
East Jordan National Guard Target Range, Mich., 4.37 acres.
Saginaw National Guard Target Range, Mich., 26.75 acres.

Mr. CLARK of Missouri. I should like to have an explanation of this bill.

Mr. THOMAS of Utah. Mr. President, this is another bill which comes from the War Department. It merely provides for the transference of certain property, and provides where the credit incident to the transfer of that property shall go.

When real property acquired for military purposes becomes useless for such purposes the Secretary of War, under the act of March 12, 1926, must report such facts to Congress in order that authorization for its disposition in accordance with that act may be granted.

Recently the War Department reported certain real property to be no longer required for military purposes, and the property is listed in the act. The Department has requested that legislation be enacted to authorize the Secretary of War to dispose of this property by transfer, sale, or otherwise, and the net proceeds from the sales to be deposited in the Treasury to the credit of miscellaneous receipts. That is all the bill provides, and it is in complete conformity with long practice of the Government.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VOCATIONAL EDUCATION AND REHABILITATION IN THE VIRGIN ISLANDS

The bill (S. 4218) to extend to the Virgin Islands the provisions of certain laws relating to vocational education and civilian rehabilitation was announced as next in order.

Mr. CLARK of Missouri. Mr. President, is any Senator prepared to make an explanation of that measure?

Mr. KING. Mr. President, the bill was prepared by the Department of the Interior. Its purpose is to extend to the people of the Virgin Islands the same provisions regarding vocational help which the Federal Government gives to Hawaii, Puerto Rico, and to our territorial possessions. That is the only purpose of the measure.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Territories and Insular Affairs with amendments.

The first committee amendment was in section 1, page 2, line 5, after "June 30," to strike out "1941" and to insert "1942", so as to make the section read:

Be it enacted, etc., That the Virgin Islands shall be entitled to share in the benefits of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917 (39 Stat. 929), and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1942, and annually thereafter, the sum of \$40,000 to be available for allotment under such act to the Virgin Islands.

The amendment was agreed to.

The next committee amendment was, in section 2, page 2, to strike out lines 8 to 17, both inclusive, as follows:

SEC. 2. Any sums appropriated pursuant to the authorization contained in section 1 shall be allocated to the following purposes in the proportions specified by the Office of Education with the approval of the Federal Security Administrator:

1. Salaries and necessary travel expenses of teachers of the following subjects: Agricultural, home economics, trade and industrial, distributive occupational; and
2. Maintenance of teacher training, including supervision, in the subjects enumerated in this section.

And to insert in lieu thereof the following:

SEC. 2. Any sums appropriated pursuant to the authority contained in section 1 shall be allocated to the following purposes in the proportions specified by the Commissioner of Education with the approval of the Federal Security Administrator:

- (1) For the salaries and necessary travel expenses of teachers, supervisors, and directors of agricultural subjects.
- (2) For the salaries and necessary travel expenses of teachers, supervisors, and directors of home-economics subjects.
- (3) For the salaries and necessary travel expenses of teachers, supervisors, and directors of trade and industrial subjects.
- (4) For the salaries and necessary travel expenses of teachers, supervisors, and directors of, and maintenance of teacher training in, distributive occupational subjects.
- (5) For preparing teachers, supervisors, and directors of agricultural, trade and industrial, and home-economics subjects.

So as to make the section read:

SEC. 2. Any sums appropriated pursuant to the authority contained in section 1 shall be allocated to the following purposes in the proportions specified by the Commissioner of Education with the approval of the Federal Security Administrator:

- (1) For the salaries and necessary travel expenses of teachers, supervisors, and directors of agricultural subjects.
- (2) For the salaries and necessary travel expenses of teachers, supervisors, and directors of home-economics subjects.
- (3) For the salaries and necessary travel expenses of teachers, supervisors, and directors of trade and industrial subjects.
- (4) For the salaries and necessary travel expenses of teachers, supervisors, and directors of, and maintenance of teacher training in, distributive occupational subjects.
- (5) For preparing teachers, supervisors, and directors of agricultural, trade and industrial, and home-economics subjects.

The Government of the Virgin Islands shall be required to match by insular or local funds, or both, 50 percent of the moneys appropriated pursuant to this act, until June 30, 1945; 60 percent for the fiscal year ending June 30, 1946; 70 percent for the fiscal year ending June 30, 1947; 80 percent for the fiscal year ending June 30, 1948; 90 percent for the fiscal year ending June 30, 1949; annually thereafter 100 percent of moneys so appropriated.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 2, after the word "States", to strike out: "There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 annually for a period of 5 years commencing July 1, 1940, to be available for allotment under such act to the Virgin Islands regardless of the amount of local funds available for matching purposes."

And to insert in lieu thereof the following: "There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 annually commencing July 1, 1941, to be available for allotment under such act to the Virgin Islands." So as to make the section read:

SEC. 3. The Virgin Islands shall be entitled to share in the benefits of the act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920 (41 Stat. 735), and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 annually commencing July 1, 1941, to be available for allotment under such act to the Virgin Islands.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RALPH W. DAGGETT

The bill (H. R. 8333) for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army, was considered, ordered to a third reading, read the third time, and passed.

RETIREMENT OF DISABLED NURSES OF THE ARMY AND NAVY

The bill (H. R. 8613) to amend the act to provide for the retirement of disabled nurses of the Army and the Navy, was considered, ordered to a third reading, read the third time, and passed.

JOHN L. SUMMERS

The bill (H. R. 10194) for the relief of the late John L. Summers, former disbursing clerk, Treasury Department, was announced as next in order.

Mr. KING. Mr. President, this bill and another one following it call for very large sums in the aggregate—between fifty thousand and sixty thousand dollars, for the relief of a former disbursing clerk, and a disbursing clerk now in the Treasury Department. I was wondering if there was any reason for such large appropriations.

Mr. BURKE. Mr. President, I think the amounts suggested by the Senator from Utah are a little high. The first bill calls for \$12,000, and the second bill, I believe, calls for \$7,000. Both bills are recommended by the Treasury Department for the purpose of adjusting the accounts of disbursing officers. In the first place, John L. Summers was disbursing clerk in charge of disbursements under N. R. A. He disbursed something over \$344,000,000, and now in adjusting all those

accounts it is found that through various technicalities there are amounts totaling \$12,000 in connection with which there was some technical error in the payment, and the matter cannot be cleared through the Accounting Office; it cannot be taken care of without clearing it up in the way provided in the bill. The second bill is much the same.

Mr. McKELLAR. Is this bill in the interest of bonding companies who might have been on Mr. Summers' bond, or in the interest of Mr. Summers' own estate?

Mr. BURKE. That matter was gone into very fully in the Claims Committee, particularly with reference to the point as to whether we were asked to pass a measure for the relief of a bonding company, and the officials assured us that that element was not involved in the case at all; that this was merely an adjustment, and any benefit would go to the estate of the deceased person.

Mr. McKELLAR. I am glad to hear that, because I feel when an official employs a bonding company and pays it a fee for going on his bond, and there is a loss, that the bonding company should pay it, and under no circumstances should we give relief to the bonding company, because at the time the bond was executed it took the risk. I am very happy to know that bonding companies are not involved in this matter.

Mr. BURKE. I think the Senator is entirely correct in his statement. The Claims Committee assigned these claims to the junior Senator from Michigan [Mr. BROWN], who is not present in the Senate Chamber at the moment. He made a very thorough study of the cases. When he presented the matter to the Government officials to back him up, the first question asked was, "What about the bonding companies? Are we relieving them?" It was shown that the bonding companies were not involved.

Mr. KING. I think the Senator is in error in attributing error to me. I stated that the amounts aggregated more than \$50,000 in the bill we are speaking of and in the bill which follows it. I find that in House bill 10354 there is provision for \$34,000, \$4,000, \$44,000, and \$77,000.

Mr. BURKE. I was looking first at House bill 10194, which is the bill we are now speaking of, which involves \$12,033.

Mr. KING. Yes. I called attention to both bills because I was wondering why these large sums were permitted to be charged against the Federal Government and if there was any reason for it. If the Senator will look at House bill 10354—

Mr. BURKE. Yes; I see in that bill the amounts are larger. I do not have the totals in mind, but I know the matter was gone into very thoroughly by the Claims Committee. The present occupant of the chair [Mr. SCHWELLENBACH], who is a member of that committee and has since assumed judicial status, I am sure examined the measures with very great care, along with the others members of the committee, and we were satisfied from the representations made that there was no injustice being done to the taxpayers of the country.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill H. R. 10194 was considered, ordered to a third reading, read the third time, and passed.

GUY F. ALLEN

The bill (H. R. 10354) for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

ADMINISTRATIVE PROVISIONS IN VETERANS' LAWS

The Senate proceeded to consider the bill (H. R. 8930) to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. KING. Mr. President, I should like to have an explanation of that measure.

Mr. GEORGE. Mr. President, the bill deals with section 202 of the World War Veterans' Act, and contains several amendments which have been approved by the Veterans' Administration.

In the first place, section 1 of the bill simply allows the Administrator to waive overpayments made under the act to a beneficiary when such overpayments have been made without any fault on the part of the beneficiary, and when it would be inequitable, and unjust, and decidedly against good conscience, to insist upon a refund of such overpayments. For the most part, the Administrator has that authority any way, but in certain instances he cannot waive the overpayments.

Section 2 of the bill relates to burial allowance. It allows \$100, as in the present law. It also allows the filing of the claim for the burial allowance within 2 years. Under the present law the claim must be filed within 1 year. It also allows the filing of a claim for the burial allowance of the veteran back to the date of the passage of the original act, giving that benefit, provided the claim is filed within 2 years. It also simplifies one other provision. It is provided in the present law that the burial allowance plus such allowances as have been made by any State, county, or other political subdivision, lodge, union, fraternal organization, society or beneficial organization, insurance company, Workmen's Compensation Commission, State industrial accident board, or employer, and so forth, may not exceed the actual cost of the burial and funeral.

That is modified in this measure so as to eliminate contributions made by insurance companies and unions, and confines it to contributions made by the State, or the county, or a political subdivision, or some agency of the State, such as the Workmen's Compensation Commission.

The next section of the bill provides for uniform apportionment of the veterans' benefits; that is to say, when a veteran who is receiving benefit payments is living apart from his wife or children, or in the case of the benefit going to the widow, if she is living apart from the children, the bill gives to the Veterans' Administration authority to apportion the payments among all who are equitably entitled to them.

That is the law with respect to payments made to World War veterans, but by the act of March 3, 1899, the Veterans' Administrator who succeeded the old Commissioner of Pensions, as will be recalled, is directed to divide in equal portions the award going to the husband who is living separate from his wife, or wife and children, or the widow living separate from the children, as the case may be. This simply makes a uniform practice in conformity with the present veterans' regulations and laws.

The next provision of the bill relates to the hospitalization of veterans who live abroad. Under the present law the Administrator cannot provide for hospitalization of any veteran who happens to be in any foreign country. The measure amends the law so as to permit the Administrator to provide for medical care and treatment of disabilities due to war service in the armed forces of the United States, suffered by a veteran who is a citizen of the United States, and who is temporarily sojourning or residing abroad. In other words, there must be a service-connected disability in a case of that kind.

The next section provides for the exemption of veterans' benefits from set-offs under certain claims. That is a very just provision, and is recommended by General Hines, the Administrator. It does not allow a set-off as against the benefit or award due the veteran unless the amount which is desired to be set off has some specific connection with the type of the award which is being administered.

The next section is important. It increases the compensation for the complete loss of one foot or one arm from \$25 to \$35 a month. Already the Congress has increased the statutory award of \$25 in the case of the anatomical loss of a

foot, arm, or hand. The bill increases the award from \$25 to \$35 a month in the case of the complete, permanent loss of the use of an arm or foot. That is the one important provision in the bill which may cost the Treasury some money, but not very much.

The total cost of the bill is estimated at not to exceed \$300,000 a year.

There are other provisions in the bill which give certain additional benefits to veterans who are suffering from paralysis, paresis, or blindness, and who are bedridden, and gives certain additional benefits to their children or their widows.

Section 8 of the bill simply states the effective date.

Section 9 of the bill relates to the payment of service-connected benefits to the dependents of veterans who have forfeited their right thereto. The veteran may have been guilty of fraud, and may have forfeited his right to receive compensation. Nevertheless, his wife and children may be given the benefit, although the veteran himself is barred by reason of fraud. Of course, the beneficiaries themselves must not have participated in the fraud.

There is one other provision in the bill by way of amendment which is made necessary because of the passage of House bill 7731 at the present session of Congress. It is necessary to insert an amendment regarding a provision in the bill in order to prevent it from working a repeal.

I believe that disposes of all the material features of the bill. I may say that all of it, with the possible exception of section 5 or section 6—I do not recall which—has the express approval of the Administrator.

There is one provision of the bill to which I should call attention, which appears in it by reason of an amendment made by the committee. The amendment makes final the findings and adjudications of the Veterans' Administrator, except with reference to war-risk or United States life-insurance contracts, and matters pertaining thereto, as to which the veteran has a right of action in the courts; and except further a provision in the recent excess-profits tax act, which has not yet been approved by the President, but which is before the President, providing for a special form of insurance for the draftees or those called into service under recent legislation enacted in behalf of the national defense. In those cases also the findings of the Veterans' Administrator on the main question of the validity of the policy, and so forth, is reserved to the beneficiary of the policy, who may go into the courts notwithstanding an adverse finding of the Veterans' Administration. However, with respect to all grants, pensions, gratuities, and all other matters administered by the Veterans' Administration, the finding of the Administrator is made final.

THE PRESIDING OFFICER. Let the Chair ask a question. Have any material rights of veterans been taken into court with respect to anything except insurance policies?

MR. GEORGE. No; the bill only confirms what has been the accepted belief and conviction, that with respect to any pension, gratuity, compensation, or anything in the nature of a gratuity or pension, there is no right of action in the courts, but the courts have held that under the War Risk Insurance Act, and under the United States insurance, which has been substituted for it, or made available to veterans holding war-risk policies, beneficiaries under such policies have the right to go into court. It is not so much a limitation as a restatement of what is believed to be the law upon the question.

THE PRESIDING OFFICER. The clerk will state the first committee amendment.

The first amendment of the Committee on Finance was, in section 2, on page 2, line 12, after the word "war" the first time it occurs, to strike out "or"; in the same line, after the words "pension or", to strike out "compensation" and insert "compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability"; and on page 4, line 21, after the word "Provided", to strike out "That the Administrator is authorized and directed

to adjudicate any unpaid claim filed within 2 years after the enactment of this act where death occurred on or after March 20, 1933, and claim was not filed within the regulatory period, and to grant burial allowance under the laws and regulations in effect on the date of adjudication after the enactment of this act, if all other requirements are met" and insert "That where the death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs is hereby authorized and directed to receive and adjudicate a claim filed within 2 years after the date of enactment of this act and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by this act", so as to make the section read:

SEC. 2. (a) That paragraphs II, III, and IV of Veterans Regulation No. 9 (a), as amended, be further amended to read as follows:

"II. Where an honorably discharged veteran of any war, a veteran of any war in receipt of pension or compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability dies after discharge, the Administrator, in his discretion and with due regard to the circumstances in each case, shall pay, for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding \$100 to cover such items and to be paid to such person or persons as may be prescribed by the Administrator. The Administrator may, in his discretion, make contracts for burial and funeral services within the limits of the amount herein allowed without regard to the laws prescribing advertisement for proposals for supplies and services for the Veterans' Administration. No deduction shall be made from the burial allowance because of any contribution from any source toward the burial and funeral (including transportation) unless the amount of expenses incurred is covered by the amount actually paid for burial and funeral (including transportation) purposes by a State, county, or other political subdivision, workmen's compensation commission, State industrial accident board, employer, burial association, or Federal agency: *Provided*, That no claim shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing agencies or organizations: *Provided further*, That nothing herein shall be construed to cause the denial of or a reduction in the amount of the burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services: *And provided further*, That nothing herein contained shall be construed so as to cause payment of the burial allowance or any part thereof in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other act.

"III. Where death occurs in a Veterans' Administration facility within the continental limits of the United States, the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the continental limits of the United States or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as beneficiary of the Veterans' Administration for hospital or domiciliary care. Where a veteran dies while hospitalized under authority of the Veterans' Administration in a Territory or possession of the United States the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the Territory or possession.

"IV. Claims for reimbursement must be filed within 2 years subsequent to the date of burial of the veteran. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application, and if such evidence is not received within 1 year from the date of the request therefor no allowance may be paid: *Provided*, That where the death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs is hereby authorized and directed to receive and adjudicate a claim filed within 2 years after the date of enactment of this act and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by this act."

(b) That paragraph III of Veterans Regulation No. 6 (a), as amended, be further amended to read as follows:

"III. To persons unable to defray the cost thereof, transportation and other necessary expenses incidental thereto will be supplied to cover travel to a Veterans' Administration facility for domiciliary or hospital care; to cover return travel to the place from which the person proceeded to the facility, when he is regularly discharged upon completion of such care; and to cover travel involved in a transfer, deemed necessary, from one Veterans' Administration

facility to another. All such travel will be subject to grant of prior authorization therefor. In the event of death of any such person within the continental limits of the United States prior to his discharge from such care, transportation expenses (including preparation of the body) for the return of the body to the place of burial within the continental limits of the United States, or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care, may be paid in the discretion of the Administrator of Veterans' Affairs, when deemed necessary and as an administrative necessity. In the event of death of any such person in a Territory or possession of the United States transportation expenses (including preparation of the body) for the return of the body to place of burial within the Territory or possession may be paid."

(c) This section shall be applied to any claim for burial benefits pending in the Veterans' Administration on the date of its enactment.

The amendment was agreed to.

The next amendment was, in section 5, on page 8, line 17, after the words "inapplicable to", to strike out "liens existing against the particular insurance contract on the maturity of which the claim is based, to secure unpaid premiums or loans on such contract, or interest on such premiums or loans", and insert "indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits", so as to make the section read:

Sec. 5. That section 3 of Public Law No. 262, Seventy-fourth Congress, approved August 12, 1935, is hereby amended by adding at the end thereof the following sentence: "From and after the date of approval of this amendatory act this section shall be construed to prohibit the collection by set-off or otherwise out of any benefits payable pursuant to any law administered by the Veterans' Administration and relating to veterans, their estates, or their dependents, of any claim of the United States or any agency thereof against (a) any person other than the indebted beneficiary or his estate; or (b) any beneficiary or his estate except amounts due the United States by such beneficiary or his estate by reason of overpayments or illegal payments made under such laws relating to veterans, to such beneficiary or his estate or to his dependents as such: *Provided, however*, That if the benefits be insurance payable by reason of yearly renewable term or of United States Government life (converted) insurance issued by the United States, the exemption herein provided shall be inapplicable to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits: *Provided further*, That nothing in this amendatory act shall be construed to modify or repeal section 7 of Public Law No. 425, Seventy-fourth Congress, enacted January 27, 1936 (38 U. S. C. 687-b; 49 Stat. 1001)."

The amendment was agreed to.

The next amendment was, in section 7, on page 9, after line 24, to strike out:

Sec. 8. Public Law No. 196, Seventy-sixth Congress, July 19, 1939, is further amended by adding thereto a new section to be known as section 3, as follows:

"Sec. 3. Payments to veterans and their dependents under the provisions of this amendment shall be effective the date of application for benefits thereunder."

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to insert:

Sec. 8. Except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, approved August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by section 7 of this act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration, and in no event shall compensation therein authorized be effective prior to the date of enactment of this act.

The amendment was agreed to.

The next amendment was, in section 9, on page 11, at the beginning of line 4, to strike out "The" and insert "Forfeiture of benefits by a veteran under the", so as to make the section read:

Sec. 9. That when disability compensation or pension based upon service-connected disability has been forfeited by a veteran under section 504 of the World War Veterans' Act, 1924, as amended (43 Stat. 1312; U. S. C., title 38, sec. 555), or section 15 of Public Law

No. 2, Seventy-third Congress (48 Stat. 11; U. S. C., title 38, sec. 715), compensation or pension payable except for the forfeiture, from and after the date of suspension of payments to the veteran, shall be paid to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability: *Provided*, That no compensation or pension shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed.

Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15 of Public Law No. 2, Seventy-third Congress, shall not be construed to prohibit reimbursement on account of expenses incurred in the burial of such veteran otherwise authorized by law, or to prohibit payments of death compensation benefits for service-connected death or under Public Law No. 484, Seventy-third Congress, as amended.

Benefits authorized by this section shall not be paid for any period prior to the date of this enactment.

The amendment was agreed to.

The next amendment was, on page 11, after line 14, to insert:

Sec. 10. Veterans Regulation No. 11 (U. S. C., title 38, ch. 12, appendix), promulgated under the act of March 20, 1933 (Public Law No. 2, 73d Cong.), is hereby amended by adding a new paragraph thereto numbered "III," to read as follows:

"III. The provisions of Veterans Regulation No. 11 shall apply to all claims under any of the laws administered by the Veterans' Administration: *Provided*, That the Administrator of Veterans' Affairs may release information, statistics, or reports, to individuals or organizations when in his judgment such release would serve a useful purpose."

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

Sec. 11. Notwithstanding any other provisions of law, except as provided in section 19 of the World War Veterans' Act, 1924, as amended, and in section 817 of the National Service Life Insurance Act of 1940, the decisions of the Administrator of Veterans' Affairs on any question of law or fact concerning a claim for benefits or payments under this or any other act administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decisions.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

Sec. 12. Where any veteran suffers or has suffered an injury, or an aggravation of any existing injury, as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, the veteran or his dependents shall be entitled to the same benefits as are provided for those who suffer an injury or an aggravation of any existing injury as a result of training, hospitalization, or medical or surgical treatment under the provisions of section 31 of Public Law No. 141, Seventy-third Congress, March 28, 1934. No benefits under this section shall be awarded unless application be made therefor within 2 years after such injury or aggravation was suffered, or such death occurred, or after the date of enactment of this act, whichever is the later date.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. ELLENDER. Mr. President, on behalf of the Senator from New York [Mr. MEAD] and myself, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Louisiana will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert the following new section:

Sec. 13. Paragraph I (f) of part III of Veterans Regulation No. I (a) is amended to read as follows:

"(f) The amount of pension payable under the terms of part III shall be \$40 monthly: *Provided, That—*"

Mr. KING. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. KING. Does the amendment which the Senator offers deal with the measure which the President vetoed some time ago because it added a cost of \$6,000,000?

Mr. ELLENDER. It does.

Mr. KING. The Senator still persists, in the face of the veto?

Mr. ELLENDER. I am of the opinion that the President will sign the measure this time.

Mr. KING. Obviously he must have had good reasons for his veto.

Mr. ELLENDER. Perhaps so, but a different situation exists at this time. A world war is on and the cost of living is increasing.

Mr. President, the purpose of the amendment is to restore \$40 pensions to totally and permanently disabled soldiers who served in the World War for 90 days or more. The amendment simply increases these pensions to what they were before the so-called Economy Act went into effect. I believe that soldiers who are totally and permanently disabled should receive at least \$40 a month. All of us know that a man who is disabled and who cannot work and who has a family to support certainly cannot properly take care of it on \$30 a month, which is the present amount of the pension.

It is impossible for him to provide sufficient nutrition, clothing, and housing for his family. It is a disgrace to our vaunted American civilization to continue this policy of paying the penurious pension of only \$30 per month to those unemployable veterans.

Veterans suffering with permanent and total service-connected disabilities receive \$100. Those in the Regular service, so-called peacetime veterans, receive \$75 per month for permanent and total service-connected disabilities. Why Senators, W. P. A. workers receive a minimum of \$55 a month from the Government to support their families. We are dealing with a class of men who served their country in good faith and who are now permanently disabled and unable to earn anything for their families. The Government is being asked to increase their pensions \$10 a month.

My amendment, if adopted, would affect 60,000 World War veterans and about 200 Spanish-American War veterans. For the first year it would cost the Government approximately \$7,696,000, and thereafter, of course, the cost would decrease, depending upon the number who die in the meantime. A very small amount is being asked of the Government for men who have served it and who are totally disabled and unable to take care of their loved ones. The Senate and the House have gone on record in the past in favor of this amendment, and I hope that the Senate will again vote for it.

I had occasion to talk to the distinguished Senator from Georgia [Mr. GEORGE], who is in charge of the pending bill, with respect to this amendment. He said he had no objection to it. As a matter of fact, I believe he himself introduced a bill asking that these unfortunates be paid at least \$40 a month.

Mr. President, as I stated a few minutes ago, the amendment is also being sponsored by the junior Senator from New York [Mr. MEAD], who is unavoidably detained from the Senate. He has asked that I express his strong approval of the amendment.

I do hope that Senators will again vote favorably for this meritorious legislation.

Mr. GEORGE. Mr. President, with regard to the amendment offered by the Senator from Louisiana I have only this to say:

During the last Congress I introduced a bill to increase the disability allowance from \$30 to \$40 a month in the case of permanently and totally disabled veterans with nonservice-connected disabilities. That bill was vetoed by the President. The veto came at the end of the session. It was what we know as a pocket veto. The bill contained one simple amendment, which the Senator from Louisiana has offered, with a somewhat liberalized definition of permanent and total disability.

My only fear about the amendment offered by the Senator from Louisiana is that the President might feel constrained to veto the bill, which contains very many helpful administrative as well as substantive amendments to existing laws, and is a bill the enactment of which, in the main at least, is greatly desired by the Veterans' Administration.

I originally introduced the bill to increase the permanent total disability from \$30 to \$40 per month. I thoroughly be-

lieve that is a just amendment, and ought to be made. At the same time, I have grave apprehension that the President might feel constrained again to veto the bill if this amendment should be put on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. ELLENDER] on behalf of himself and the Senator from New York [Mr. MEAD].

The amendment was rejected.

Mr. DANAHER. Mr. President, I offer the amendment which I send to the desk. For the convenience of the Senator from Georgia [Mr. GEORGE], I send a copy to him.

I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. It is proposed to insert in the bill a new section, to read as follows:

Sec. 13. The Administrator of Veterans' Affairs is hereby authorized and directed to include, in the regulations governing proofs and evidence pertaining to service connection of disabilities, additional provisions requiring: That, in each case where a veteran is seeking service connection for any disability, consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all medical and lay evidence; that, where the veteran is shown to have been engaged in combat with an enemy of the United States, or during service in some war, campaign, or expedition, to have been subjected to other arduous conditions of military or naval service, such disability as can reasonably be considered to have been due to or aggravated by the conditions of all of his active military or naval service, shall be determined to be directly due to or aggravated by such service in line of duty, under all laws administered by the Veterans' Administration, unless it shall have been clearly established by clear and unmistakable evidence that any such disability was not originated in or aggravated by his military or naval service; and that the reasons for granting or denying service connection in any case considered under this law shall be recorded in full in each such case.

Mr. GEORGE. Mr. President, may I ask the Senator if the amendment offered by him is not identical with a bill which passed the House on September 30?

Mr. DANAHER. Mr. President, it is precisely that. It is a bill which bore the legend H. R. 6450, and is entitled "A bill to provide for the issuance, by the Administrator of Veterans' Affairs, of regulations providing for more liberal policies in determining the service connection of disabilities, and for other purposes."

Mr. GEORGE. Mr. President, if the Senator will permit me to make a statement, this amendment is identically the same as a separate bill which passed the House of Representatives on the 30th day of last month. The bill is now before the Finance Committee of the Senate, and was brought up before the committee on the last day on which the committee was in session, when the sugar joint resolution was reported.

I can see very great merit in the proposal; but I am bound to say to the distinguished Senator from Connecticut that if it is attached to this bill under the circumstances, veto will certainly follow, because I have called upon the Administrator of Veterans' Affairs General Hines and he said he was not yet ready to be heard upon the bill, but was certainly very anxious to be heard upon it.

The bill was reported by the House committee without a favorable recommendation from the Veterans' Administration. I hope the Senator will allow the bill to take its regular course, because it is before the Finance Committee; and if, as now seems probable, we are not to recess except every third day until perhaps sometime in November, we certainly shall have an opportunity to consider the bill in the committee and to report it, if it is the sense of the committee that it should pass, and take it up in the Senate long before the present session adjourns.

I merely submit those facts to the Senator.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. DANAHER. Yes; gladly.

Mr. CLARK of Missouri. I think anybody in the Senate or anywhere else will agree that no one is more interested than I am in the welfare of veterans. I appeal to the Senator from Connecticut now, not only in my capacity as a Senator but in my capacity as a past national commander of the American Legion and a member of every veterans' organization there is, I think, not to complicate the passage of the bill now before the Senate by offering another proposition as an amendment to the bill. I am fearful that if the Senate were to adopt and the House were to agree to the amendment offered by the Senator from Connecticut, the bill would be killed, and a veto would be brought about.

I am very much interested in this subject matter. I am a member of the Veterans' Subcommittee of the Finance Committee. I think the Senator from Georgia [Mr. GEORGE] has done a magnificent service. He has had a subcommittee composed of the Senator from Massachusetts [Mr. WALSH], the Senator from Texas [Mr. CONNALLY], and several other Senators, who have been devoted to the interests of the veterans. We have reported this bill feeling that it is as far as we can go at this time. I appeal to my friend from Connecticut—who, I know, wants to help the veterans—not to bring about the defeat of a measure which might be sound by offering as an amendment to it an entirely separate and different proposition.

So far as I am concerned, I intend to vote for the bill which the Senator from Connecticut has offered as an amendment. I dare say it can be reported out of the Finance Committee, although I do not know about that; but I do not think the Senator from Connecticut is doing the veterans of the country any service by offering it at this time as an amendment to this bill.

Mr. DANAHER. Mr. President, let me read briefly from the report of the House Committee on World War Veterans' Legislation. Representative VOORHIS of California, reporting for the committee, says:

There can be no doubt whatsoever that the records of veterans were kept much more carefully as to those who served only in this country than as to those who served overseas. Moreover, there can be no doubt but what much more careful examinations were ordinarily made prior to the discharge of those veterans who served only in this country than was the case as to those who served abroad. This fact is very definitely substantiated by the careful tabulation which was made as to World War veterans who were enlisted from the 81 counties in Mississippi, and who were examined at time of discharge. This study, which appears in the booklet of hearings before the House Committee on World War Veterans' Legislation concerning H. R. 7925, beginning on page 124, shows that as to the 30,867 white veterans who enlisted from the 81 counties in Mississippi, 2.93 percent of the 15,904 who served overseas were found at time of discharge to be suffering with a disability, whereas 11.26 percent of those 14,963 who served only in this country were found to have disabilities at time of discharge.

This difference as to the percentage of overseas and home-service veterans found to be suffering with disabilities at time of discharge is even more astounding as to the colored veterans.

Mr. President, I cease reading merely to emphasize the point that it becomes perfectly obvious that those who served overseas, and whose records were lost or mutilated, those veterans whose buddies, who could have made affidavits as to their service and to their disabilities, have died, are placed in an unusual status, which regulations properly drawn would alleviate.

It seems to me proper to call attention to a case which happened within my own knowledge. The mother of a veteran brought suit on his contract of war-risk insurance only to find, when the records were sought, that the company clerk's field desk had been demolished by a direct hit, and the company clerk's records completely destroyed, so there was no record of the fact of the issuance of insurance to the deceased veteran. His mother lost her case, and did not recover anything whatever.

It seems to me a situation of that kind can be corrected with reference to existing records by giving a presumption to the veteran applicant. This particular amendment will still authorize the Veterans' Administration out of its experience to formulate proper regulations to cover this type of case.

I ask unanimous consent that there be incorporated in the RECORD as part of my remarks the House report with reference to House bill H. R. 8930, which is in fact the amendment.

The PRESIDING OFFICER. Is there objection?

There being no objection, the report (No. 2982), was ordered to be printed in the RECORD, as follows:

The Committee on World War Veterans' Legislation, to whom was referred the bill (H. R. 6450) to establish certain rights for combat veterans of wars of the United States, having considered the same, recommend the enactment thereof with an amendment, to wit:

Strike out all following the enacting clause and substitute the following:

"That the Administrator of Veterans' Affairs is hereby authorized and directed to include, in the regulations governing proofs and evidence pertaining to service connection of disabilities, additional provisions requiring: That, in each case where a veteran is seeking service connection for any disability, consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all medical and lay evidence; that, where the veteran is shown to have been engaged in combat with an enemy of the United States, or during service in some war, campaign, or expedition, to have been subjected to other arduous conditions of military or naval service, such disability as can reasonably be considered to have been due to or aggravated by the conditions of all of his active military or naval service, shall be determined to be directly due to or aggravated by such service in line of duty, under all laws administered by the Veterans' Administration, unless it shall have been clearly established by clear and unmistakable evidence that any such disability was not originated in or aggravated by his military or naval service; and that the reasons for granting or denying service connection in any case considered under this law shall be recorded in full in each such case."

Change the title of the bill to read as follows: "A bill to provide for the issuance, by the Administrator of Veterans' Affairs, of regulations providing for more liberal policies in determining the service connection of disabilities, and for other purposes."

The general purpose of this bill is to place the combat veteran more nearly on a par with the home-service veteran insofar as the opportunity for establishing service connection of disabilities is concerned.

It is the purpose of the bill as herewith reported to provide for more liberal policies in the evaluation of all the facts, factors, and circumstances as to a veteran's military or naval service in determining the service connection of any disability with which he may be suffering, and consequently in deciding upon his eligibility to receive compensation or pension by reason of a service-connected disability. It is the further purpose of this bill to provide that, as to those veterans who are shown to have been engaged in combat with an enemy of the United States, or during service in some war, campaign, or expedition to have been subjected to other arduous conditions of military and naval service, any subsequent disability which can reasonably be considered to have been due to or aggravated by the conditions of all of any such veteran's active military and naval service, shall be adjudicated as being directly due to or aggravated by his service in line of duty, and that such adjudications shall be applicable under all laws administered by the Veterans' Administration, except where it shall have been clearly established by clear and unmistakable evidence that any such disability was not originated in or aggravated by his military or naval service.

In other words, where a veteran is shown to have been engaged in combat with an enemy of the United States, or where he is shown to have been subjected to other arduous conditions during his service in some war, campaign, or expedition, then any disability with which he may afterward be found to be suffering, which can reasonably be considered to have been due to or aggravated by the conditions of his active service, shall be so rated, for all purposes, unless clear and unmistakable evidence definitely establishes that such disability was not due to or aggravated by his military service. It should be noted that such an assumption of service connection, rebuttable by clear and unmistakable evidence, is only to be applicable where the necessary conditions precedent have first been shown to exist.

No such assumption of service connection of a disability is to be made, on the basis of the provisions of this bill, except as to a war, campaign, or expedition veteran who had had arduous conditions of service or who had been engaged in combat with the enemy, and only then in the event that the rating agency of the Veterans' Administration should come to the conclusion that such disability could reasonably be considered to be due to or aggravated by the conditions of his active service, and only then where evidence may not have definitely established that any such disability was not caused by or aggravated by his active service.

In all cases rated by the Veterans' Administration, however, this bill would require that, in addition to existing instructions as to the factors to be taken into consideration in determining service connection of disabilities, due consideration should also be given to the places, types, and circumstances of the veteran's service as shown by his service record, the official history of each organization in which he served, his medical record, and all other medical and lay evidence.

The committee has long been convinced that there are many equitable claims for service connection on the part of front-line combat veterans, and other war, campaign, and expedition veterans who have been submitted to strenuous conditions of military service—who naturally ordinarily find it much more difficult legally and technically to establish the service connection of their disabilities than is the case as to a veteran who served only in this country, who remained in the same outfit from the date of his enlistment to the date of his discharge within easy access of sick-beds or hospitals, and of medical service, where careful records were kept and maintained. The committee is of the opinion that there have been many equitable claims considered by rating agencies of the Veterans' Administration, where members of the rating boards have personally been of the conviction that the veteran's disability was caused by his military service but where, because of existing policies as to the evaluation of evidence, they have not been able officially to come to the conclusion that the veteran's disability was due to or aggravated by his military service.

All of the members of the committee have had the experience of assisting some deserving veteran in the prosecution of his claim for service connection and compensation, for disabilities which the veteran and his Representative in Congress, or the service officer in one of the various veteran organizations, has conscientiously believed to have been caused by his military service but where, because of the very circumstances of the man's military service—the death or disappearance of buddies, the loss of memories with the lapsed time, the lack or loss of records, the grim, dogged determination of the veteran to stay with his own outfit in spite of his own ailments, and a hundred and one other factors beyond his reasonable control—the veteran has been unable to furnish sufficient substantiating factual proof of his contentions that his disabilities were traceable to the arduous conditions of his military service.

It has been noted that denials of service connection, in apparently meritorious and justifiable claims, have occurred altogether too frequently, particularly as to the claims of former front-line fighters.

There can be no doubt whatsoever that the records of veterans were kept much more carefully as to those who served only in this country than was so as to those who served overseas. Moreover, there can be no doubt but what much more careful examinations were ordinarily made prior to the discharge of those veterans who served only in this country than was the case as to those who served abroad. This fact is very definitely substantiated by the careful tabulation which was made as to World War veterans who were enlisted from the 81 counties in Mississippi, and who were examined at time of discharge. This study, which appears in the booklet of hearings before the House Committee on World War Veterans' Legislation concerning H. R. 7925, beginning on page 124, shows that as to the 30,867 white veterans who enlisted from the 81 counties in Mississippi, 2.93 percent of the 15,904 who served overseas were found at time of discharge to be suffering with a disability, whereas 11.26 percent of those 14,963 who served only in this country were found to have disabilities at time of discharge.

This difference as to the percentage of overseas and home-service veterans found to be suffering with disabilities at time of discharge, is even more astounding as to the colored veterans who enlisted from the State of Mississippi, showing that whereas only 1.34 percent of the 12,163 colored veterans who served overseas were noted as having disabilities at time of discharge, 17.41 percent of the 12,030 who served only in this country were noted as having disabilities at time of discharge.

Combining both white and colored veterans who enlisted from the State of Mississippi, we find that the tabulations made by local Veterans of Foreign Wars post in Jackson, Miss., taken from data compiled by a local Work Projects Administration project, show that among the 28,067 Mississippi veterans who served overseas, only 2.24 percent were noted at time of discharge as suffering with disabilities, whereas, among the 26,993 who served only in this country, 14.007 percent were noted as having disabilities at time of discharge. In other words, nearly seven times as many veterans, proportionately, who served only in this country, were noted as having disabilities at time of discharge, as compared with those who served overseas. Obviously, such examinations failed miserably to disclose the existence of disabilities among those who had returned from overseas, primarily because of the great anxiety on the part of the returning overseas veterans to return to their homes just as speedily as possible, and also accountable for by the fact that the examining doctors were evidently also very anxious by that time to get back home. These figures statistically prove the assertion that it is ordinarily much easier for a home-service veteran to substantiate his claim for service connection of his disability—because of the greater detail of his medical examinations during military service and prior to his discharge, and the availability of such examination reports, as compared with the much lesser number of medical examinations on the part of veterans who served overseas, and the much speedier, perfunctory medical examinations on the part of returning overseas veterans prior to their discharges from military service.

Because of all of these factors, it seems that a much more liberal policy, as to the evaluation of such evidence as is obtainable and submitable on behalf of former front-line combat veterans, and other combat badge veterans, is much needed, so as to enable such rating board members to give due consideration to the probabilities and possibilities as to the inception and aggravation of disabilities

incident to the exposure and hardships, and the stress and strain of combat service, or service under other arduous conditions—factors as to which it may have been impossible for the veteran ordinarily to submit detailed, factual, technically sufficient evidence.

The committee is not convinced that all of the local rating agencies of the Veterans' Administration have as reasonably and liberally applied such policies, in the evaluation of all of the evidence, factors, and circumstances as to a man's service, in determining the service connection of his disabilities, as it is believed would be possible on the basis of the provisions of this bill.

It was hoped that the service letter under date of August 10, 1938, issued by the Administrator of Veterans' Affairs, in effect directing the type and character of a man's military service to be taken into consideration in determining the service connection of any disability with which he might be suffering, would enable justice to be extended in these equitable border-line cases, particularly as to overseas veterans. Although there can be no doubt that the instructions of such letter have been helpful in some instances, it would appear that the instructions in such service letter are hedged with such qualifications that cautious members of claims and rating boards—naturally not wanting to be accused of being too liberal, for fear that such a policy on their part might not meet with the approval of their immediate superiors—have generally been inclined to proceed on the assumption that they have previously adhered to such a rating policy, and that there was therefore no reason for them, on the basis of the issuance of such service letter, to grant service connections in cases where they had previously denied such service connection.

The provisions of this bill would in effect require the more liberal policies enunciated in the service letter under date of August 10, 1938, together with the other more precise assumptions of service connection, for certain classifications of veterans, provided for by this bill, to be issued in the form of regulations by the Administrator of Veterans' Affairs, under the direction of Congress, thus probably giving considerably more force to the intention of liberality in determining the question of service connection where the arduous conditions of the war veteran's military service would make it appear reasonably possible that such circumstances could have caused the origin or aggravation of his disability, except where clear and unmistakable evidence established that such was not the case.

It is believed that the enactment of this bill, and the subsequent issuance of explanatory regulations by the Administrator of Veterans' Affairs, directed under the terms hereof, to all rating agencies of the Veterans' Administration, will eventually result in the favorable adjudication of hundreds, if not thousands, of pending claims for service connection or disabilities, which the veteran applicants conscientiously believed to have been due to their military service, which they have previously been unable technically and legally to prove to the satisfaction of such rating agencies. For these reasons, the committee believes that this bill should be promptly passed by the House of Representatives.

Mr. DANAHER. Mr. President, I also invite the Senator's attention to page 12880 of the RECORD, and following pages, where Representative RANKIN, Representative ROGERS of Massachusetts, and others in the House most interested in this type of legislation gave full discussion and ample consideration to this bill, which was passed after discussion in the House on September 30. I submit the case on the statement of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER].

The amendment was rejected.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOWARD MONDT

The bill (H. R. 8705) for the relief of Howard Mondt was considered, ordered to a third reading, read the third time, and passed.

HOWARD R. M. BROWNE

The bill (H. R. 7784) for the relief of Howard R. M. Browne was considered, ordered to a third reading, read the third time, and passed.

ST. NICHOLAS PARK CO.

The bill (S. 3240) for the relief of the St. Nicholas Park Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the St. Nicholas Park

Co., of Jacksonville, Fla., the sum of \$1,550 in full satisfaction of its claim against the United States for reimbursement of amounts expended by such company in removing the hull of a partially burned vessel from a position in the St. Johns River in front of its property, known as St. Nicholas Park, a residential development in South Jacksonville, Fla., such hull having been placed in such position with the knowledge and acquiescence of the United States district engineer, located at Jacksonville, Fla., and without obtaining the permission of such company: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

CAFFEY ROBERTSON-SMITH, INC.

The Senate proceeded to consider the bill (S. 4215) for the relief of Caffey Robertson-Smith, Inc., which had been reported from the Committee on Claims with an amendment, on page 1, line 8, to strike out "\$9,448.86" and insert "\$9,348.86", so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to pay, out of any funds available for carrying out the provisions of section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, as amended, the sum of \$9,348.86, to Caffey Robertson-Smith, Inc., of Memphis, Tenn., in full satisfaction of its claims against the United States for payments for the exportation of certain quantities of cotton at the rates in effect at the time of the sales thereof for export, notices of such sales having been given prior to December 6, 1939, but the payments therefor having been withheld for the reason that the said Caffey Robertson-Smith, Inc., did not promptly file a bond supporting the agreement of compliance, dated August 1, 1939, which it entered into in connection with the cotton and cotton products export program of the Department of Agriculture for the fiscal year 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BARKLEY. Mr. President, inasmuch as we will have to meet tomorrow, and we have not very much to do, I think we might suspend at this point.

HOMING PIGEONS

Mr. WAGNER. Mr. President, there has been sent to the Senate a bill passed by the House for safeguarding homing pigeons. The War Department is interested in the bill, which it says is needed for national defense. It is emergency legislation. I ask that the Senate consider the bill at this time.

The Chair laid before the Senate the bill (H. R. 7813) to safeguard the homing pigeon, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. THOMAS of Utah, from the Committee on Military Affairs, reported favorably the nominations of sundry persons to be second lieutenants in the Regular Army under the provisions of law.

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. KING in the chair). If there be no further reports of committees, the clerk will state the first nomination on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of William E. Flournoy, Jr., to be consul.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTER—NOMINATION REPORTED ADVERSELY

The legislative clerk read the nomination of Eva L. Herndon to be postmaster at Warrensburg, Mo., which had been adversely reported.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was rejected.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters, which had been reported favorably.

Mr. MCKELLAR. I ask unanimous consent that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

Mr. BARKLEY. Mr. President, the Committee on Military Affairs has favorably reported a group of routine Army appointments and promotions. I ask unanimous consent that they be now considered, and that action be taken on them en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. Mr. President, I also ask that the usual order with respect to the printing of these nominations be entered.

The PRESIDING OFFICER. Without objection, the nominations will not again be printed, but reference will be made to the pages of the CONGRESSIONAL RECORD where they have previously been printed.

DISCHARGE OF COMMITTEE FROM CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. CLARK of Missouri. Mr. President, is it the intention of the Senator from Kentucky to proceed with the calendar tomorrow?

Mr. BARKLEY. Yes; until it is finished. There are only a few more bills on the calendar.

Mr. CLARK of Missouri. I have already given notice that as soon as I can obtain the floor I shall move that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of Senate Resolution 186. I am perfectly agreeable to going on and finishing the calendar, but I should like to have the notice stand that as soon as I can obtain the floor I shall move to discharge the Committee to Audit and Control from the consideration of the resolution referred to. I think I am entitled to the floor on a motion of that sort. As soon as that motion shall be disposed of, I intend to move that the committee be discharged from the further consideration of Senate Resolution 307, providing for an investigation into the Lundeen accident.

Mr. BARKLEY. Mr. President, I do not think those motions should be taken up in the absence of the Senator from South Carolina [Mr. BYRNES], the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate. One or both of them may lead to considerable discussion, although I do not know that they will.

Mr. CLARK of Missouri. I have no idea of taking up the motions in the absence of the Senator from South Carolina. I notified the Senator's office yesterday and the day before that it was my intention to make the motions to discharge the committee at the first opportunity, because I think very important questions of committee jurisdiction, if nothing else, are to be presented to the Senate in connection with the motions. The Senator from South Carolina will be afforded every opportunity, so far as I am concerned, to be present when I make the motions to discharge.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, October 9, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 8 (legislative day of September 18), 1940

DIPLOMATIC AND FOREIGN SERVICE

William E. Flournoy, Jr., to be a consul of the United States of America.

APPOINTMENTS IN THE REGULAR ARMY

NOTE.—The names of the persons whose nominations for appointment in the Regular Army were today confirmed by the Senate will be found, under the caption "Nominations," in the CONGRESSIONAL RECORD of October 7, 1940, beginning on page 13307.

POSTMASTERS

ALABAMA

James F. Creen, Jr., Blue Mountain.
Zell G. Pope, Bolling.
James F. Wilson, Wedowee.

ARKANSAS

Franklin Eugene Burks, Levy.
Robert L. Cummings, Magazine.

CALIFORNIA

William Budd, Buellton.
Clarence W. Aldrich, El Portal.
Gilbert R. Van Dyke, Fall Brook.
Margaret J. S. Gilman, Gilman Hot Springs.
Charles E. Timmons, Kernville.
William H. Stuart, Point Arena.
Roberta L. Sweet, Yermo.

COLORADO

Welsey A. Simmer, Blanca.

CONNECTICUT

Joseph A. Douda, Eagleville.
Roy A. Parmelee, Weatogue.

FLORIDA

Burton H. Rawls, High Springs.
Frank M. Walrath, Jr., Keystone Heights.

HAWAII

Richard M. Imai, Olaa.

INDIANA

Grace A. Adrion, Dublin.
Andrew H. Henschen, Rising Sun.
Louis Kolb, Wadesville.
Bessie L. King, Wanatah.

IOWA

George Glawe, Farmersburg.
Edna Mulvihill, Salix.
Harry De Jong, Sully.

KANSAS

Vernon L. Miller, Bethel.
Ella M. McGinity, Humboldt.
Seth J. Abbott, Jetmore.
William R. Jones, Reading.

KENTUCKY

Ella E. Thompson, Ewing.
Bertha Stanley, Mortons Gap.

LOUISIANA

Helen C. Campbell, Morganza.
Clyde A. Crawford, Pearl River.

MAINE

Bessie Hazel Garnache, Biddeford Pool.

MARYLAND

Walter G. Mann, Sharptown.

MASSACHUSETTS

Helen E. Bateman, Dudley.
Daniel Ottinger, North Amherst.

MICHIGAN

Alfred H. Pfau, Howell.
Kathryn I. Stanley, Morrice.
Leo L. Malcomson, Prundenville.

MINNESOTA

Grace P. Holecek, Jackson.
Oscar A. Olson, Keewatin.
Marguerite Mealey, Monticello.
Herman I. Nelson, Spicer.
Simon E. Drury, Wabasha.
Arthur G. Erickson, Wilmar.

NEBRASKA

Mina E. Andersen, Bristow.

NEVADA

Hilda W. Reeves, McDermitt.

NEW YORK

Mildred I. Morey, White Lake.

NORTH DAKOTA

Iver D. Thue, Stanton.

OHIO

Joseph Charles Wyllie, Huntsville.
Adolph E. Baker, West Manchester.

OREGON

Walter F. Petersen, Lapine.

PENNSYLVANIA

George V. Proctor, Cheyney.
Mildred D. Rees, Hyndman.
Ellis L. Lynch, McConnellsburg.
Samuel C. Green, Mont Alto.
Arthur O. Shafer, Montoursville.
Robert E. Bell, Mount Union.
Margaret A. Mash, Nanty Glo.
Helen M. Rowley, Ogontz School.
Wilberta T. Johnson, Primos.
Joseph O. Sullivan, Ridley Park.
Elizabeth M. Connelly, Silver Creek.
Thomas P. Kennedy, Smethport.
Pury D. Frankenfield, Tobyhanna.
Leonard Harry Zeilinger, Youngwood.

SOUTH CAROLINA

Richard T. Hallum, Jr., Pickens.
J. Charles Vassy, Timmonsville.

SOUTH DAKOTA

John C. Heinrichs, Artesian.
Lucy I. Wright, Hoven.
Ruth I. Kern, Lake Andes.
Ambrose H. Manion, Rosebud.

TENNESSEE

Lucile Brown, Cornersville.
Lawrence Gordon Gill, Decherd.

TEXAS

Cora G. Tidwell, Avoca.
Robert P. Taylor, Bivins.

UTAH

Rudolph Nielsen, Milford.

VERMONT

Mary A. Murphy, Charlotte.

VIRGINIA

Gerdena S. Pettit, Fredericks Hall.
Robert C. Smith, Haymarket.
John S. Hinegardner, Weyers Cave.

WEST VIRGINIA

Charles R. Byrne, Buckhannon.

REJECTIONS

Executive nominations rejected by the Senate October 8 (legislative day of September 18), 1940

POSTMASTERS

MISSOURI

Eva L. Herndon to be postmaster at Warrensburg, in the State of Missouri.

NEBRASKA

Frank S. Perkins to be postmaster at Fremont, in the State of Nebraska.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 8, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, let us pause and recall that the humanity of our Saviour is an everlasting, continuous, and unchanging revelation of the divine heart. What He was, He is the same—warm sympathetic Elder Brother who feels our sorrows and is touched with a feeling of our infirmities. Teach us that there were wounds in that tender heart deeper and more painful than even the crown of thorns. In His tragic moments, with pathos so deep and strange, and with human surprise He asked: "Could ye not watch with me 1 hour?" Forbid that we should ever be thoughtless or faithless to any trust placed upon us. Almighty God, look with pity and mercy upon this world. Pity it in its tendencies, in its iron cruelties, in its debasing selfishness, and in all its wickedness. Our Lord and Saviour is still assailed by the cruel mockeries of men; the reed is still in His hand, the crown of thorns is still tearing His brow, and the multitudes are still leading Him to Calvary. O Heavenly Father, fill us with the light of the morning and allow no sorrowing memories to crowd our thoughts. In these solemn moments we pray: Let the words of our mouths and the meditations of our hearts be always acceptable in Thy sight, O Lord, our strength and our Redeemer. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on October 5, 1940, the President approved and signed bills of the House of the following titles:

- H. R. 1174. An act for the relief of Euel Caldwell;
- H. R. 4571. An act for the relief of La Vera Hampton;
- H. R. 4724. An act for the relief of Charles F. Martin, a minor;
- H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;
- H. R. 6108. An act for the relief of Regina Howell;
- H. R. 6456. An act for the relief of John Toepel, Robert Scott, Widmer Smith, and Louis Knowlton;
- H. R. 7139. An act for the relief of Joe L. McQueen;
- H. R. 7681. An act for the relief of Emelie Witzembacher;
- H. R. 7731. An act to provide for the burial and funeral expenses of deceased veterans of the Regular Establishment who were discharged for disability incurred in the service in line of duty, or in receipt of pension for service-connected disability;
- H. R. 9989. An act authorizing the Administrator of Veterans' Affairs to grant an easement in certain land to the city of Memphis, Tenn., for street-widening purposes;
- H. R. 9991. An act to amend section 4021 of the Revised Statutes and to repeal section 4023 of the Revised Statutes relating to establishment of postal agencies; and

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 8512. An act to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes; and

H. R. 10127. An act to amend the Federal Reserve Act, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7738) entitled "An act to amend the act entitled 'An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes,'" disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER to be the conferees on the part of the Senate.

The message also announced that the Senate further insists upon its amendments to the bill (H. R. 960) entitled "An act extending the classified executive civil service of the United States," disagreed to by the House; agrees to a further conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MEAD, Mr. BULOW, Mr. GEORGE, Mr. WHITE, and Mr. FRAZIER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4270) entitled "An act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard."

EXTENSION OF REMARKS

Mr. HESS, by unanimous consent, was granted permission to revise and extend his own remarks in the Record.

NEW DEAL TAXES

Mr. EATON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EATON. Mr. Speaker, a very high-class and intelligent working man, a friend of mine, put an oil burner in his home last year and made a contract for oil at 5¼ cents a gallon. He told me yesterday that the price this year had been increased to 6¼ cents, with a ceiling of 7¾ cents. In the contract this appears:

All taxes, charges, and fees, and all increases therein, that are now or may hereafter be imposed by any governmental authority on, against, or in respect of any of said products, or in the importation, production, sale, transportation, or delivery thereof, or upon us or our business with respect to this sale, or on this agreement, shall be added to the prices herein provided.

This shows us that when the New Deal big Government joins big business the little fellow has to pay. [Applause.]

During the long years' delirium of reckless and wasteful spending of the people's money by the New Deal, the theory always dinned into our ears has been that it was all for the benefit of the little man. But this one incident which can be duplicated by millions of cases proves that the converse—the little man always pays the bill. Hidden taxes, like termites, are eating the foundation from under every little home in America today. The cure is to put a man in the

White House in November, backed by a Republican Congress, who knows the value of money and who can lead us back to economic sanity. [Applause.]

NATIONAL DEFENSE HOUSING

Mr. LANHAM. Mr. Speaker, I call up the conference report on the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 11, 12, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 9, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "and that such housing would not be provided by private capital when needed"; and the Senate agree to the same.

FRITZ G. LANHAM,
EUGENE B. CROWE,
FEHR G. HOLMES,
Managers on the part of the House.
TOM CONNALLY,
THEODORE FRANCIS GREEN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: Section 1 of the House bill limits the providing of housing, under the bill, to those areas or localities in which "the President shall find that an acute shortage of housing exists or impends which would impede national defense activities". This amendment requires an additional finding, by adding the following after the language quoted above: "and that such housing would not be provided by private capital when needed (but such finding shall not be made until notice shall be given to the Federal Housing Administrator of the proposed construction, stating the number of units proposed and the areas in which they are to be located)". The House recedes with an amendment which retains all of the Senate amendment except the part included in parentheses.

Amendment No. 2: Under section 1 of the House bill the Federal Works Administrator is to exercise his authority "acting through the Public Buildings Administration". This amendment strikes out the words above quoted, so that the Federal Works Administrator will not be required to act through the Public Buildings Administration.

The House recedes.

Amendments Nos. 3 and 4: Section 1 (a) of the House bill authorizes the Federal Works Administrator to acquire, for purposes of the program provided for in the bill, improved or unimproved lands, without regard to certain provisions of law, among which is section 355, as amended, of the Revised Statutes, which prohibits spending public money upon any site or land purchased by the United States for the purpose of erecting thereon an arsenal, etc., until the written opinion of the Attorney General shall be had in favor of the validity of the title. Amendment No. 3 adds language which would authorize the Public Works Administrator to acquire the land in question prior to the approval of title by the Attorney General. Amendment No. 4 strikes out the reference to section 355 of the Revised Statutes.

The House recedes.

Amendments Nos. 5 and 6: Section 1 (b) of the House bill authorizes the Federal Works Administrator, by contract or otherwise, to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands acquired under subsection (a), and provides that such authority may be exercised without regard to certain provisions of law, among which is section 355, as amended, of the Revised Statutes referred to in the comment on

the preceding amendment. Amendment No. 5 strikes out the reference to section 355 of the Revised Statutes. Amendment No. 6 authorizes the Federal Works Administrator to exercise the granted powers prior to the approval of title by the Attorney General.

The House recedes.

Amendments Nos. 7, 8, 10, and 11: Section 1 (b) of the House bill contains a proviso reading as follows: "Provided, That the cost per family dwelling unit shall not exceed an average of \$3,000 for those units located within the continental United States nor an average of \$4,000 for those located elsewhere, and the cost of no dwelling unit shall exceed \$3,950 within the continental United States or \$4,750 elsewhere, exclusive of expenses of administration, land acquisition, public utilities, and community facilities, and the aggregate cost of community facilities shall not exceed 3 per centum of the total cost of all projects." These amendments change the amounts specified in such proviso, respectively, as follows: \$3,500, \$4,500, \$4,450, and \$5,250.

The Senate recedes.

Amendment No. 9: In the proviso of the House bill, above quoted, it is provided that "the cost of no dwelling unit shall exceed \$3,950". This amendment inserts the word "family" before the words "dwelling unit".

The House recedes.

Amendment No. 12: In the proviso above quoted it is provided that the specified amounts for maximum expenditure shall be exclusive of expenses of administration; land acquisition, public utilities, and community facilities. This amendment modifies this provision by inserting the words "but including" before the words "land acquisition, public utilities, and community facilities", with the result that the only expenses excluded from the specified limits of cost would be expenses of administration.

The Senate recedes.

Amendment No. 13: The proviso above quoted contains the following: "and the aggregate cost of community facilities shall not exceed 3 per centum of the total cost of all projects". This amendment strikes out this language.

The Senate recedes.

Amendment No. 14: Section 6 of the House bill directs that moneys derived from rental or operation of property acquired or constructed under the provisions of the Act shall be returned to the appropriation authorized by the Act and shall be available for expenses of operation and maintenance, including administrative expenses in connection therewith, and provides that the "unexpended balance" of the moneys so deposited shall be covered into the Treasury at the end of each fiscal year as miscellaneous receipts. This amendment strikes out the word "unexpended" and inserts in lieu thereof the word "unobligated".

The House recedes.

Amendment No. 15: This amendment, in conformity with amendment No. 2, eliminates the requirement that the Administrator shall act through the Public Buildings Administration.

The House recedes.

Amendments Nos. 16 and 17: Section 8 of the House bill provides that "In carrying out the provisions of this Act the Administrator is authorized to utilize employees and facilities of the Federal Works Agency and other Federal agencies and of any local public agency, with the consent of such agency". These amendments eliminate the authority to utilize "employees and facilities of" such agencies, and grant in lieu thereof the authority to "act through" such agencies.

The House recedes.

FRITZ G. LANHAM,
EUGENE B. CROWE,
FEHR G. HOLMES,
Managers on the part of the House.

The SPEAKER. The gentleman from Texas is recognized.

Mr. LANHAM. Mr. Speaker, this is a conference report upon the bill for national-defense housing, primarily of civilian workers. The conference report has been agreed to unanimously by the conferees and has been adopted by the Senate. The report has practically no important variation from the bill as it passed the House, there being a few clarifying amendments. The cost provisions remain as they were in the House bill. It is so largely the bill that was passed by the House without any variation in the effect of its provisions that I shall move the previous question, unless someone wishes to make inquiry.

Mr. COCHRAN. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. COCHRAN. Does not the gentleman feel it was a mistake for the House to recede from its disagreement to the Senate amendment numbered 15, which eliminated the requirement that the Administrator shall act through the Public Buildings Administration? Here you have an organization all set up and, by reason of the fact that the House has reduced the appropriation for public buildings this year, is in a position to and is willing to do any type of construction work. It has always performed a good job, as we

all know. Is it sound to set up in the Navy and in the Army additional construction divisions to do housing work when the Public Buildings Administration could do it? Then, again, you have the engineers of the Army. We have reduced the appropriations for flood control and for rivers and harbors, and the engineers of the Army are not so busy as they have been in the past. Why can they not take over some of this work for the Army?

Mr. LANHAM. May I say in reply to my good friend, the gentleman from Missouri [Mr. COCHRAN], that it is contemplated that practically all of this work will be done through the Public Buildings Administration? However, in the bill as it passed the House the provision was made that the Administrator might act through various Federal or local housing agencies, without any authority, however, to lend any funds to those agencies, but merely to reimburse them to the extent used. If in every instance action had to be through the Public Buildings Administration when using some of the local organizations which might have better data and facilities in certain localities, then it would require double bookkeeping and accounting in clearing through the Public Buildings Administration. They who will have charge of the administration of this measure state that it is their purpose to do practically all of this construction through the Public Buildings Administration, and that the elimination of this phrasing from the bill is quite in keeping with the provisions of section 8 of the bill. In those instances where these other agencies can be utilized to advantage, without any loans to them, it will not be necessary for them to have to clear through the Public Buildings Administration before clearing through the Administrator. It is simply a matter of simplifying the procedure and avoiding duplication in those cases where such agencies can be used to advantage.

Mr. COCHRAN. I thank the gentleman and express the hope these agencies that are already set up, ready to go, having the organization to do the work, are used instead of setting up new agencies.

Mr. LANHAM. I may say to my friend that that provision was in the bill as it passed the House and is still in the bill as presented in the conference report.

Mr. SCHULTE. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield.

Mr. SCHULTE. Can the gentleman from Texas tell me whether my amendment, which was offered on the floor and accepted by the House relative to the prevailing rate of wages, is still in the bill.

Mr. LANHAM. It is still in the bill as it was incorporated in the House; yes.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. Yes; I yield to the distinguished gentleman from Illinois.

Mr. SABATH. An organization has been created in the War Department, and I think in the Navy Department also, composed of men formerly, if not now, connected with contracting firms. Will these organizations have supervision of this construction program we have in mind?

Mr. LANHAM. No. May I say in reply to the gentleman from Illinois that appropriations have already been made of very considerable proportions for the use of the Army and the Navy in the kind of construction to which he refers. The services of the agencies he has mentioned may be used primarily of course with reference to the other appropriations. This will be for civilian workers in isolated plants and in suburban sections of cities and towns where housing is not available.

An amendment was placed on the bill in the Senate to the effect that this construction should not proceed unless it was shown that private capital was not interested or that private dwelling space was not available for these workers.

The agencies to which the gentleman from Illinois refers would be concerned more with the appropriations which have been made to the Army and the Navy for housing.

Mr. SABATH. The aim therefore is to give private industry an opportunity to construct some of this housing?

Mr. LANHAM. In every way possible. Whenever private industry is in any way interested in it, it is to be importuned to do this work. I may say further in this regard, as the gentleman probably knows, the Government is to recoup much of this appropriation from the disposition of this housing after the period of the emergency has passed.

Mr. SABATH. One more question, if the gentleman will permit. I am a little skeptical about work being done by private capital in view of the fact that some of the members of these Army-Navy organizations who have been brought into the departments are or have been connected with construction companies. I wonder whether these present or past connections will not somehow or other be detrimental to the best interests of the Government. It is stated that these gentlemen divorced themselves from their past connections. I think it is worth while to determine to what extent they have done so.

Mr. LANHAM. I may say to the gentleman from Illinois that I do not think that comes within the purview of the provisions of this particular bill. It might possibly have some connection with appropriations that have been passed for the Army and the Navy, but I cannot see how it would have anything to do with this measure according to its present provisions.

Mr. SABATH. I hope the gentleman's confidence has not been misplaced, that this program will be carried out economically and soundly. I may say, however, that I shall watch carefully these activities, because I am interested in the national-defense workers, and especially the trainees, who need to be and should be taken care of with decent housing. That is my primary interest.

Mr. LANHAM. I cherish the same hope as does the gentleman from Illinois, that operations under this measure will be quite satisfactory and will provide the housing of the sort to which he refers for those civilian workers primarily who will be helpful in the matter of preparation for our national defense.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield.

Mr. RICH. In order to get private capital to do this construction work, is it going to be necessary to do away with competitive bidding; will it be on a cost-plus basis?

Mr. LANHAM. It is not going to be on a cost-plus basis. It will be on a cost-plus-a-fixed-fee basis except in those cases where there is ample time to ask for competitive bids.

Mr. RICH. That part of it will be done on a cost-plus-a-fixed-fee basis where you have to have it done immediately without having opportunity of calling for bids.

Mr. LANHAM. The gentleman is quite correct. With winter approaching, the gentleman can readily see that there will be much of this construction which necessarily will have to be considered on a cost-plus-a-fixed-fee basis.

Mr. RICH. How long a time would be necessary to have bids submitted rather than awarding it on a cost-plus basis?

Mr. LANHAM. That matter is purely conjectural, of course. We are living in a time when no day can be the herald of the morrow. I suppose it is impossible to tell. At any rate, in every way possible they are going to try to persuade private capital to become interested in this, and where that is not possible, then it will be done on a cost-plus-a-fixed-fee basis. They will proceed at once with the construction that must be done immediately.

Mr. RICH. One other important question: Will "Chip" Robert do the drafting and draw up the specifications?

Mr. LANHAM. The gentleman will readily understand that he is asking a question that does not come within the province of my authority. I think the bill specifies the necessary and proper provisions of procedure.

Mr. RICH. He has probably been pretty well taken care of already, I imagine.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the distinguished gentleman from Texas.

Mr. THOMASON. Does the bill provide for permanent or temporary housing at existing Army posts?

Mr. LANHAM. The bill contains provisions dealing with family dwelling units for civilian workers, and also other provisions whereby part of these funds could be used for a similar purpose with reference to Army and Navy construction. In this connection I may say, however, that large appropriations have been made already for the very purpose about which the gentleman inquires.

The primary purpose of this bill is to provide housing for civilian workers who will be required at many of these plants, like the powder plant that is to be constructed in Virginia and which necessarily will be in an isolated region.

Mr. THOMASON. If at an existing Army post there is inadequate housing for the officer personnel, could more housing be provided under the terms of this bill where there is not already sufficient funds in other appropriation bills to take care of it?

Mr. LANHAM. I am somewhat doubtful whether there would be provision here for officer housing, because I think we have made rather liberal provision for them in other appropriation bills. The purpose of this bill primarily is to take care of these civilian workers, and the need for this measure and its enactment is urgent because winter is coming on and we must have this housing if we are to proceed with due diligence and speed in our preparation for national defense.

Mr. THOMASON. It would provide for housing at existing Army posts for noncommissioned officers and enlisted men with families?

Mr. LANHAM. Possibly; but there was provision of that character made in a recent appropriation bill of \$100,000,000, which provided for the Army and Navy, upon land in proximity to their various posts, and they could use a part of the \$100,000,000. If civilian workers are to be employed near an Army or Navy station, then of course part of this fund could very readily be applied to housing for those civilian workers. This measure is concerned primarily with such workers.

Mr. HOLMES. Will the gentleman yield?

Mr. LANHAM. I yield to the distinguished gentleman from Massachusetts.

Mr. HOLMES. As a matter of fact, the primary purpose of this legislation is to take care of civilian workers in industrial plants who are working on war goods?

Mr. LANHAM. The gentleman is correct. It is very doubtful indeed if these funds here provided will be more than sufficient to take care of that particular need.

Mr. HOLMES. They will not be anywhere near enough, as a matter of fact.

Mr. LANHAM. I think the gentleman is probably correct in that assumption.

Mr. LAMBERTSON. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. Does the gentleman know if the Department of Justice or some other department has figured on doing anything about this 30 to 50 percent increase that lumber has taken in the last 90 days? I have not heard much said about that. They are asking the Government from 30 to 50 percent more for lumber in this emergency, and I cannot find that the Attorney General is doing anything but sleeping between the Labor Board and the 50-dollor proposition.

Mr. LANHAM. That inquiry might more appropriately be directed to the Department of Justice, because it is a little beside the mark with reference to this particular legislation and the functions of the committee which reported it.

Mr. LAMBERTSON. I think it is tremendously important to the people of this country and the whole defense program if we have a trust that can increase the cost of lumber to the Government 30 to 50 percent in 60 days.

Mr. LANHAM. I am just as much interested as the gentleman is in having the Government get at the lowest possible cost the materials that are necessary.

Mr. LAMBERTSON. There is no excuse for it. It is just tolerated, that is all.

Mr. SABATH. As I understand, Mr. John M. Carmody, Administrator of the Federal Works Agency, will have jurisdiction and power in this construction program.

Mr. LANHAM. That is right; the Director of the Federal Works Agency.

Mr. SABATH. I have the most complete confidence in that gentleman. I am informed he is an excellent man of proved ability and 30 successful years' experience in private enterprise. I do not want to leave any implication that I question his ability or sincerity in supervising and looking after the housing needs of our defense workers. What I had reference to and what I fear, as I have stated, is that the gentlemen who have been brought in by the War and Navy Departments are, or have been, so connected that the contracts might be awarded with preference given to their former associates.

Mr. LANHAM. I hope and believe the gentleman's fears are unfounded.

Mr. SABATH. That does not apply to Mr. Carmody, of course.

Mr. LANHAM. May I say, furthermore, that the Administrator will act in cooperation and collaboration with the Council of National Defense in providing this housing for civilian workers.

Mr. SABATH. Mr. Carmody has construction jurisdiction under the bill as agreed to?

Mr. LANHAM. The gentleman is correct.

Mr. STEFAN. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Nebraska.

Mr. STEFAN. I note in the conference report these dwellings are each to cost around \$3,500 to \$4,000. Will the gentleman tell us for how much, approximately, they will rent? What will be the rent?

Mr. LANHAM. I cannot tell the gentleman definitely what the rent will be, but there is a provision in the bill that the rental shall be reasonable. That is as far as it is possible for the legislation to go in view of the fact that the housing will necessarily be of a different character in different localities.

Mr. STEFAN. As I understand it, these dwellings are to be rented to civilian employees at these various plants?

Mr. LANHAM. That is correct.

Mr. STEFAN. Will the gentleman tell me approximately how much money is contained in this particular bill? What is the total?

Mr. LANHAM. One hundred and fifty million dollars.

Mr. STEFAN. The gentleman is aware of the fact that very soon we will have another bill here that will entail around \$500,000,000 in which I understand groups of enlisted men will have the opportunity to rent one of these houses or dwellings at from around \$15 to \$20 each. These dwellings cost \$3,500. I was wondering whether there was any connection between the two.

Mr. LANHAM. No; of course, the housing for the enlisted men or men who will be drafted into the service is provided in another measure. This is for civilian workers primarily and principally at industrial plants that are to furnish the material necessary for our national-defense preparation.

Mr. STEFAN. Only civilian employees will be given the privilege of renting these houses. The gentleman cannot tell us now what the rental basis will be, because these houses are to be located in different localities and the types of houses are different?

Mr. LANHAM. I believe the gentleman will readily see that it would be impossible to establish a standard of rentals in the bill, in view of the fact that the rentals will necessarily vary because in some isolated regions the charge would be less, perhaps, on account of the character of construction than in certain suburban areas of the cities; so all we could provide was that from the standpoint of the worker and from the standpoint of the Government the rentals would be reasonable.

Mr. STEFAN. What will the highest-priced dwelling cost?

Mr. LANHAM. If the gentleman will look on page 3 of the bill as passed by the House, he will see that it is \$3,000 for those units located within the continental United States.

Mr. STEFAN. And \$4,750 for others.

Mr. LANHAM. As a maximum for those outside our continental limits. As a matter of fact, they expect to construct many of these buildings for very much less than the minimum.

Mr. STEFAN. Was any maximum price set by the Government as to what we are going to pay for the land on which we are putting these houses?

Mr. LANHAM. There was not, because, necessarily, that will vary in different localities. It costs more to purchase a piece of land in a suburban area near a city than it does in some isolated spot where we might establish a powder plant, for instance.

Mr. STEFAN. There is no connection between the bill we are now considering and the bill we are going to get very soon, which has to do with the housing of certain enlisted men and some civilians?

Mr. LANHAM. The bill that is coming up just after this, as I understand, is the appropriation bill carrying into effect the provisions of this bill.

Mr. STEFAN. They are dovetailing bills?

Mr. LANHAM. Yes. That bill, based upon this authorization, is to provide the appropriation for the housing mentioned in this measure.

Mr. STEFAN. The gentleman has answered the questions I wanted to have answered, and I thank the gentleman.

Mr. CROWE. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to my friend from Indiana.

Mr. CROWE. On the matter of the cost of the units, may I say that they shall not exceed an average of \$3,000, and no single unit can exceed \$3,950. That answers further the question of the gentleman from Nebraska.

Mr. STEFAN. I thank the gentleman.

Mr. CROWE. No single unit costs more than \$3,950, and the average cannot be above \$3,000. Many of the houses will cost much less than that, of course.

Mr. MCGREGOR. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Ohio, a member of the committee.

Mr. MCGREGOR. The same figures are in the bill the conference committee has reported as the House voted upon prior to the bill going to the conferees?

Mr. LANHAM. That is correct.

Mr. MCGREGOR. Does not the same situation apply to the utilities and to the land that we voted on prior to the conference?

Mr. LANHAM. This report contains exactly the same provisions in the bill as passed by the House.

Mr. Speaker, if there are no further questions, I move the previous question upon the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SCHULTE and Mr. VREELAND asked and were given permission to extend their own remarks in the RECORD.

Mr. AUGUST H. ANDRESEN. Mr. Speaker I ask unanimous consent to extend my own remarks in the RECORD two times and to insert certain statistics and quotations.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein two radio broadcasts of mine.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LYNCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address of the President of Fordham University.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS of Texas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech by George Hill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. VREELAND. Mr. Speaker, I have spent considerable time on the floor of the House speaking of the Reserve officers and their duties and functions. I am very much interested in the Reserve. I called the Adjutant General the other day because of the many requests to receive commissions in the Army and was told that all Reserve appointments were closed except in the medical department, and then for initial rank only, meaning first lieutenants. I was very much surprised to learn that Mr. Elliott Roosevelt was appointed a captain without any service in the initial ranks. I am a captain, too, but it took me 7 years of hard work to get it. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. KINZER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial in last Sunday's issue of the Baltimore Sun.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that at the close of the legislative business today, I may proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to place in the RECORD an editorial from the Big Timber Pioneer, and I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

[Mr. O'CONNOR addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein the balance of this editorial.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. HOFFMAN. A point of order, Mr. Speaker—

Mr. RICH. I reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from Michigan will state his point of order.

Mr. HOFFMAN. Under the rule that was announced yesterday, has the gentleman the right to extend that in the RECORD at this point?

The SPEAKER. He has not.

Mr. RICH. Reserving the right to object, Mr. Speaker, the gentleman was speaking about Wendell Willkie and his getting to Montana. We realize it is very difficult for a man to get to Montana, but you will find that he will be the President over the people of Montana on November 5, and the people of Montana are going to support him. We are going to carry Montana by a big majority.

Mr. O'CONNOR. We will have the same President after November 5 that we have now.

EXTENSION OF REMARKS

Mr. SECCOMBE, Mr. HAWKS, and Mr. CHIPPERFIELD asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short letter from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that after the legislative business has been disposed of today, and following any other special order, I may be permitted to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. YOUNGDAHL and Mr. MILLER asked and were given permission to revise and extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I desire to call the attention of the House to the extension of remarks by the gentleman from Ohio, the Honorable THOMAS A. JENKINS, on page 6186 of the Appendix of the RECORD entitled "A Brief Explanation of the New Excess-Profits Tax."

This explanation, which takes slightly more than one page, was prepared by our colleague at the request of a number of Members of the Congress who desire to have a brief explanation of this rather comprehensive and hard-to-understand tax law. I believe this will be of great value to every Member of Congress.

EXTENSION OF REMARKS

Mr. BLACKNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include two short quotations.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein excerpts from a speech I delivered at Valley Forge on Michigan Day.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, we cannot hear a word that is being said, therefore we do not know what requests are being made. I looked at the RECORD this morning and find one Member, acting within his rights, put 41 pages of a statement prepared by some attorney not a Member of the Congress in the RECORD. It took 41 pages for this person to disclose what is wrong with the United States. The extension is labeled "Who Wants the Key to Prosperity?"

When you consider it costs about \$65 a page for small type you will realize what this means to the taxpayers.

On last Friday the gentleman asked permission to extend his remarks in the RECORD, and I admit he called attention to the fact that it was over the legal limit, stating he had an estimate from the Public Printer. However, the gentleman did not state what the estimate was, but the RECORD this morning shows that it is 41 pages. I think we should know what these requests are, so that in the event it is over the legal limit we will be able to find out just exactly how much over the limit and how much it is going to cost. I do not think there is a Member on this floor, if he or she knew there were 41 pages of small type going to be put in the RECORD by any Member, containing a statement prepared by someone who was not a Member of the House, who would not object to the request. Therefore, Mr. Speaker, I think Members should remain out of the Well of the House, as the rules provide, so

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that we may hear what is going on, and prevent in the future a recurrence of what happened in this morning's RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. RICH. Reserving the right to object, Mr. Speaker, I want to say in connection with what the gentleman from Missouri [Mr. COCHRAN] has said that that is all right. The RECORD is not the record of Congress but a conglomeration of news and statements of the world. It is not only being disobeyed by Members on this side but Members on that side have put in the same article as high as nine times, taking up the same amount in space of the RECORD. Did the majority party object? No. We ought to have men on that side who will say that we are going to change the rules and regulations and not permit it. I have tried to stop it for 7 years. It is the duty of the majority party, which is responsible for this RECORD, that they should take some action on the insertion of extraneous matter. I congratulate the gentleman from Missouri [Mr. COCHRAN] in trying to stop it; it is the first help I have had from the majority party for years. I hope others will join him in making it a RECORD of Congress. That is what it is supposed to be. But it is anything but the RECORD of Congress when it contains everything it should not contain.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include a short table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my remarks twice very briefly. I also ask unanimous consent to insert a brief statement by Abraham Lincoln.

The SPEAKER. Without objection, the requests are granted.

There was no objection.

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial appearing in the Cleveland Plain Dealer of October 8, 1940.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent, Mr. SHAFER of Michigan and Mr. BENDER were granted permission to revise and extend their own remarks.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FULMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and I ask permission to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. FULMER addressed the House. His remarks appear in the Appendix of the RECORD.]

ADDITIONAL APPROPRIATION FOR NATIONAL-DEFENSE HOUSING, FISCAL YEAR ENDING JUNE 30, 1941

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 614, making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes.

The Clerk read the title of the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 614; and pending that motion I ask unanimous consent that general debate extend for 1 hour, the time to be equally divided between the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Virginia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 614, with Mr. BEAM in the chair.

The Clerk read the title of the House joint resolution.

By unanimous consent, the first reading of the House joint resolution was dispensed with.

Mr. WOODRUM of Virginia. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this joint resolution provides the appropriation to carry into effect the authorization for national-defense housing contained in H. R. 10412, on which bill the conference report, presented by the gentleman from Texas [Mr. LANHAM] was just adopted by the House a short time ago. We have heretofore provided \$100,000,000 for housing for the defense program by direct appropriation; \$40,000,000 in addition to that was provided by the Federal Housing Administration, and \$10,000,000 was advanced out of the emergency funds granted to the President, making a total of \$150,000,000. If this joint resolution is agreed to, there will have been provided a gross total of \$300,000,000 for this housing, and deducting the \$10,000,000 which may be repaid to the emergency fund of the President, leaves a net of \$290,000,000.

We are told by the representatives of the Advisory Commission of the Council on National Defense and by the Army and Navy that the best estimates they are able to make for housing needs will require approximately \$560,000,000, but that they have received very encouraging cooperation from private industry and private capital, and they are hopeful that this \$290,000,000, which is about half of the needs, will take care of the amount that the Government will have to put up for this purpose.

We provide in this joint resolution \$75,000,000 in cash and \$75,000,000 in contract authorizations.

The Committee on Appropriations has also written into this bill a provision which we think is fair, carrying the same limitation that is in most of the other defense appropriation bills limiting the profit on any cost-plus-a-fixed-fee contract to not to exceed 6 percent of the contract exclusive of the fee.

In addition to the housing item, there is an amount of \$40,000 for the further enforcement of the Commodity Exchange Act, made necessary because of an enlargement of the law by House bill 4088, which brought under the Commodity Exchange Act 10 additional commodities. Unless there are some questions, I reserve the balance of my time. The housing matter was thoroughly discussed on the floor a few moments ago when the gentleman from Texas had the conference report on H. R. 10412 up in the House.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. RICH. We have already appropriated, as the gentleman says, \$150,000,000 for the housing needs of the defense program. We are now asked to pass another bill, making \$75,000,000 of direct appropriations and granting authority for \$75,000,000 of additional contracts. This makes a total of \$300,000,000, and the gentleman figures we are going to get a request for \$200,000,000 more.

Mr. WOODRUM of Virginia. No; I did not figure that.

Mr. RICH. How are we going to get it up to \$500,000,000, then?

Mr. WOODRUM of Virginia. I said the Advisory Commission of the Council on National Defense feels that it will be able to interest private capital in taking care of the rest of the housing needs. They are hopeful at any rate. They cannot promise definitely that they will not have to ask for any more funds on this proposition.

Mr. RICH. Does the gentleman figure we are going to have any more appropriation bills of this kind before this session of Congress adjourns?

Mr. WOODRUM of Virginia. Hope springs eternal in the human breast. I am hopeful, but the gentleman knows that hopes are dashed to pieces very suddenly sometimes.

Mr. RICH. I know, but the gentleman from Virginia, whom we all love and respect, made the statement about a week ago that the bill then under consideration was the last appropriation bill for the Congress, but we have one here today for \$150,000,000 more. The gentleman from Virginia is not responsible for it. If the gentleman had his way, many of these bills would not go through; but they expect him, nevertheless, to railroad them through, and there is nobody else in the House who can do it. The gentleman has just got us all where they give him anything he wants; but I ask the gentleman whether the administration, in asking him to bring in appropriation bill after appropriation bill, has ever asked the gentleman where we are going to get the money to pay for these expenditures?

Mr. WOODRUM of Virginia. The gentleman from Pennsylvania asks that every day or two. I confess it is a problem that worries me considerably.

Mr. RICH. It has been worrying me. I am worried so much about it I am afraid I am going to get sick worrying about it, and I do not want to get sick. I would like to get the administration sick and let them think about it for a while.

Mr. SABATH. We will get it from those able to pay.

Mr. RICH. Is the gentleman a spokesman for the administration?

Mr. SABATH. No.

Mr. RICH. The gentleman speaks up every time I ask that question, but he never answers it. He is like all the rest; they do not know, and, what is worse, they do not care.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. HOFFMAN. At Camp Custer, in the Third Michigan District, the Government is building barracks. I have letters from men who have applied for work on that project. They state that even though they belong to a union in the adjoining county and are in good standing, yet when they go over to Camp Custer, which is in Calhoun County, from either Kalamazoo or Ottawa Counties, they are required, before they are allowed to work on the Camp Custer project, to pay the difference in the union dues, which are less in Kalamazoo and Ottawa Counties than they are in Calhoun County. Will not that practice tend to increase the cost to the United States of this building program?

Mr. WOODRUM of Virginia. I believe that any differences in labor-union dues would have no effect on the cost of the housing. Is that what the gentleman means?

Mr. HOFFMAN. That is what I mean.

Mr. WOODRUM of Virginia. I believe that would not affect the cost to the United States. That is an intraunion matter and I understand it would not reflect in the costs of the contract.

Mr. HOFFMAN. Certainly it would. If the worker has to pay higher fees and dues to the union, he must necessarily be paid a higher wage, and it comes out of the contractor, and, in the end, out of the taxpayer.

Mr. WOODRUM of Virginia. We were told there has been no difference, certainly no appreciable difference, in labor costs recently. That specific question was asked.

Mr. HOFFMAN. I shall call the gentleman's attention this afternoon or tomorrow to the fact that the difference in the union fees is \$20, the amount that has to be paid to the union representative. Is there anything in this bill which would give authority to any department having to do with the building of these houses to require that a man shall pay a fee to a union before he may go to work for the United States Government?

Mr. WOODRUM of Virginia. There is nothing whatever in this bill affecting that at all. The gentleman knows, of course, that that is a matter between trade-unions. The Government has provided in other organic laws which we have passed that men may belong to unions. There is nothing in this bill that in any way affects that.

Mr. HOFFMAN. Is there any provision in this bill that protects the right of the individual who does not belong to a union, that does not require him to belong to a union before he can get a job?

Mr. WOODRUM of Virginia. That has nothing to do with the bill at all. The gentleman knows it has nothing to do with it whatsoever.

Mr. HOFFMAN. I call the gentleman's attention to an item appearing in this morning's paper saying that a certain union representative, one Emile Chatak, at Buffalo said that Grace, president of Bethlehem Steel, would sit down and negotiate with him or we will not get any steel. That is with reference to the Bethlehem plant, where 70,000 men are employed to produce steel. This union organizer says that plant will be closed unless the president of the company sits down with that particular organizer. Does not the gentleman believe we ought to be protected against that kind of procedure?

Mr. WOODRUM of Virginia. What has that to do with this bill, I ask the gentleman?

Mr. HOFFMAN. I imagine they will use some steel in these houses; there will be plumbing, and they certainly would be affected to that extent.

Mr. WOODRUM of Virginia. These are very simply constructed houses.

Mr. HOFFMAN. Even if they were constructed of hot air and the hot air were controlled by a union, the cost of the houses would be affected by a union organizer's interfering with the supply of hot air.

Mr. WOODRUM of Virginia. If we could can some of the hot air we hear in the House, we might not have to make this appropriation.

Mr. HOFFMAN. Or some we get from the Executive Mansion.

Mr. WOODRUM of Virginia. That is the gentleman's opinion, with which I do not agree.

Mr. HOFFMAN. If we translated some of those things the Executive says into action, we would not even need Congress in session.

Mr. MACIEJEWSKI. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Illinois.

Mr. MACIEJEWSKI. Is it necessary to house these men that we are taking into the Army by this appropriation?

Mr. WOODRUM of Virginia. No. This is not Army enlisted personnel. Let me reiterate what was said by the gentleman from Texas when the conference report was agreed to. The housing provided for in this resolution is principally for civilian workers in war industries, where they are building plants and expanding plants at places where there is not sufficient housing to take care of the civilian workers who work in those plants. A relatively small portion of it may be used for the housing of families of enlisted men at Army and Navy posts, but the major part of it is for the housing of civilian workers.

Mr. HOLMES. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Massachusetts.

Mr. HOLMES. In connection with the defense program at these industrial plants, quite frequently we find that the Army and Navy may have to designate an officer to stay right there at the works for inspection purposes and to see to it that the Government's interests are protected.

Mr. WOODRUM of Virginia. Yes.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield myself 5 additional minutes.

Mr. HOLMES. Is it not well to emphasize the fact, and I think it should be brought out so the membership know it, that while these appropriations are made available to the Public Works Division, it in no way augments the W. P. A. in any sense of the word?

Mr. WOODRUM of Virginia. No. The gentleman is correct.

Mr. HOLMES. This is purely and entirely a different project. The construction of these units will be let on a basis of carefully drawn plans and specifications?

Mr. WOODRUM of Virginia. Yes.

Mr. HOLMES. And lay-outs, and no doubt will be done by contracts so the mechanics will get the benefit of that work?

Mr. WOODRUM of Virginia. Yes. I thank the gentleman for his contribution.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Will the gentleman explain the amount of \$40,000 that is appropriated to the Department of Agriculture? While the amount is not large, it is the type of appropriation that we should know a little bit more about.

Mr. WOODRUM of Virginia. The Congress amended the Commodity Exchange Act by the passage of H. R. 4088, which has just been sent to the President. By that amendment it brought under the provisions of the Commodity Exchange Act new commodities, namely, fats and oils—including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils—cottonseed meal, cottonseed, peanuts, soybeans and soybean meal. Hides were also in H. R. 4088 at one time, but were omitted in conference; so the Budget estimate of \$90,000 for the additional administration of the Commodity Exchange Act was curtailed to \$66,590 by the elimination of hides. The Appropriations Committee in passing this bill cut the \$66,590 to \$40,000.

Mr. RICH. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Pennsylvania.

Mr. RICH. In building homes for these civilian workers has the committee that has decided on the location of these particular plants tried to keep in mind where they locate the plants and that they might do so where there are already housing facilities to take care of employees at manufacturing plants, where the Government could use plants already constructed. If they gave a little time to investigate practical places to do emergency work, thereby saving the construction of a lot of houses now under this bill, that would not be necessary.

Mr. WOODRUM of Virginia. They have taken that into consideration, I may say to the gentleman.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from California.

Mr. VOORHIS of California. May I ask the gentleman why it is necessary in connection with this particular project to make it possible to suspend competitive bidding? It seems to me that is a protection, particularly for small contractors. I just wondered why, in connection with this housing, it had to be suspended. I can understand it in other cases.

Mr. WOODRUM of Virginia. This housing is for men working in defense plants. If you had to draw plans and specifications, and go through the routine, formality, and red tape of the provisions of the law in that respect you would delay it several months, and winter is approaching. We were told they would follow the competitive practice where it could be done and not delay the defense program. These are very simple mass-production houses. Admiral Moreell, of the Navy; Major Wilson, of the Army; as well as Mr. Reynolds, of the Federal Works Agency, say they can save money and expedite this housing by being relieved of competitive bidding. The authorization bill just passed permits that to be done.

Mr. Chairman, I reserve the balance of my time.

Mr. TABER. Mr. Chairman, to be perfectly frank with the House, I do not know whether this appropriation of \$150,000,000 is necessary or not. I do not know that it is not necessary, therefore I am not going to oppose it. I have tried to find out about it the best I can, and these are the facts as I get them.

They are proposing to build under the Advisory Commission to the Council for National Defense and under Mr. Reynolds, of the Public Buildings Division of the Public Works Administration, about 80,000 units of housing for either Army and Navy enlisted men of the three top grades or for workers in these defense plants or navy yards in

connection with the building of guns, ammunition, ships, and all that sort of thing that is necessary in connection with national defense. These houses are to be rented at from \$15 to \$20 a month. The average cost of the set-up, including such facilities as waterworks, sewers, streets, and such roads as may be put in, will be approximately \$3,500 per rental unit.

It is perfectly apparent that a rental of \$15 to \$20 a month is only going to cover the depreciation on these properties, with nothing for interest and nothing for obsolescence. We all know that the period these houses will be used will not be very long. Five years would be a peak, and perhaps 2 or perhaps 1 year would be the period of their use. Therefore, it means that this expenditure, which runs \$150,000,000 under this proposition and \$140,000,000 in addition under a previous appropriation of \$100,000,000, and an allocation by the Federal Housing Authority of \$40,000,000, is undoubtedly a nonrecoverable item in connection with the national-defense program. Undoubtedly we must have housing for the families of the three top grades of enlisted men in both the Army and in the Navy. As I understand, that takes up about half of the housing units that are to be provided. The other half is for civilian workers in the navy yards, the arsenals, the powder plants, the aluminum plants, and the airplane plants that are to be engaged and that are engaged on war work. We are told that they would require altogether 160,000 units. The number provided by this \$290,000,000 is about 80,000 units, a small number of which will cost more than the average of \$3,500 because they are in isolated places where the labor has to be carried in. Frankly, it is a rather expensive and extravagant program, but I am not able to say that it is not necessary, therefore I do not propose to oppose it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. RICH. With reference to these houses at the various plants engaged in preparation for war, does the Government intend to rent these houses or does it expect to give them to the workers if they will come to the plants and accept the jobs?

Mr. TABER. They evidently intend to rent them for from \$15 to \$20 a month, because that was the set-up provided for according to the testimony given before us yesterday in our hearings.

Mr. RICH. When this preparation for war is concluded, what will they do with these plants and the houses when we find out that we are going to get into war or that we are not going to get into war?

Mr. TABER. Those that are not required for any particular governmental purposes will undoubtedly be sold or salvaged in some way or other by the Government, just as we did before.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. LANHAM. I may say that that is the provision in the bill upon which this appropriation measure is predicated, that these are to be disposed of when the time has passed making their use necessary by the Government.

Mr. RICH. Does the gentleman believe we are actually preparing for a war?

Mr. LANHAM. What we are preparing to do is defend this country against any aggression on our shores. Certainly, matériel is a very important part of that preparation. This appropriation is designed primarily to house the workers who will be preparing that matériel.

Mr. RICH. I realize that everybody wants national defense, but does the gentleman have any idea that anything will develop from the situation we see in Europe and Asia now whereby somebody in this country will want us to defend our rights here by sending boys over to Europe or Asia?

Mr. LANHAM. I hope not, but I am neither a seer nor a prophet. When it comes to the proposition of a declaration of war, that is peculiarly within the province of the Congress itself and would come before us for determination if such an exigency should arise.

Mr. RICH. Perhaps the gentleman from New York [Mr. TABER] can answer that question. Does the gentleman believe from all the evidence that has been given in these hearings that there is anyone in this country who has the idea that eventually we must send boys over to Europe to defend America?

Mr. TABER. I would not want to say there is anyone who believes we would have to send boys over to Europe or to Asia to defend America. I would say that although there may be considerable waste, and there always is in connection with war activities and preparation for war, we stand a great deal less chance of getting into war if we are in shape to defend ourselves than if we are flat. That is the position I take, and that is why I am not opposing this request.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I am a member of the committee which reported this New Deal socialistic government in the housing-business program which has been clothed in the robes of national defense. I opposed it then and I am opposed to it now. This program is an unwarranted raid on our almost bankrupt Federal Treasury to the tune of \$150,000,000 under cover of a national-defense smoke screen. Is it not a fact that a Government Treasury which is not bankrupt or almost bankrupt is one of the most essential requirements for national defense?

Mr. TABER. Undoubtedly it is, and undoubtedly our Treasury is in a precarious position, with the tremendous bond issues that have been made and into which the people have been obliged to put the money that should be used to keep the wheels of industry turning and to make the mare go and provide employment. If it were not for that terrific build-up and for the lack of confidence people have in the administration, there undoubtedly would be very considerable employment, which would result in not only larger income taxes but a very much smaller demand for relief.

Mr. SCHAFER of Wisconsin. In view of the fact that our Federal Treasury, after 7 long years of New Deal maladministration and spending spree on public money is almost bankrupt, would it not be in the interest of national defense to save this \$150,000,000 and require that \$10 to \$15 a day navy yard and other defense workers who are unable to rent homes for their families near their places of employment, to leave their families in the homes in which they are now residing, just as we require the \$30-a-month drafted men and members of the National Guard who are called into Federal service to leave their families home when they have to leave them and learn to goose-step in Fuehrer Roosevelt's New Deal Stalin-Hitler type of conscript army?

Mr. TABER. I would not want to answer that question. I believe there is enough of a case made for the requirement of proper housing for the folks who have to work in the neighborhood of these defense requirements that I would not want to oppose the bill.

Mr. SCHAFER of Wisconsin. There is one more question I would like to ask the gentleman. The chairman of our committee which reported the \$150,000,000 Government housing authorization, which I opposed, stated that this Government housing program was necessary in order to produce the essential material for national defense, did he not?

Mr. TABER. I understood that, but I do not know whether he did or not. I would not say.

Mr. SCHAFER of Wisconsin. Let us look at the facts. You observed in the press this morning, October 8, 1940, that our New Deal brethren have sold Canada, a foreign belligerent nation, 137 of our wholly inadequate supply of army tanks. Our New Deal brethren have also sold a foreign belligerent nation about one-seventh of our wholly inadequate Navy. They have also stripped and sold essential portions of our whole inadequate aviation arm of our national defense to a foreign belligerent nation which has also purchased most of Uncle Sam's reserve artillery, rifles, and munitions of war. In the last week of August of this year many units of the National Guard which were called into active

training did not have sufficient equipment because our New Deal brethren had stripped our country's national-defense machine and sold many essential portions of it to a European belligerent country. They had to use old rusty farm-implementation wheels on which were mounted planks for artillery practice. Many had to use fish poles, broomsticks, and old crutches for rifle training, because our New Deal brethren had sold many thousands of our Government's rifles to the British. They did not have sufficient tanks and had to use old auto trucks for tank training. They had to use old logs and fence posts for trench-mortar training. In view of the record do you not think that insofar as our New Deal brethren being in favor of national defense is concerned, Uncle Sam finds himself in the same position as Isaac of old who said "the voice is Jacob's voice, but the hands are the hands of Esau."

Mr. TABER. I gather from what the gentleman says that the thing the New Deal is training the soldiers in is how to operate a manure spreader.

Mr. SCHAFER of Wisconsin. No; our New Deal brethren have sold so much of Uncle Sam's artillery to a foreign belligerent European nation that many of the members of the National Guard who were called into training in the last week of August 1940 had no artillery for artillery practice and training. At Camp Douglas, Wis., members of the Michigan and Wisconsin National Guard were furnished with artillery designed by New Deal brain trusters. They were given artillery training with New Deal guns which consisted of planks mounted on old manure spreaders and other old farm implement wheels. They were given trench-mortar training with fence posts instead of trench mortars.

Although our New Deal brethren have stripped Uncle Sam's national-defense machine and sold many essential portions of it to a foreign European belligerent nation they have the gall to raid our almost bankrupt Federal Treasury of \$150,000,000 for a socialistic Government housing program in the name of national defense.

Mr. TABER. I had supposed the National Guard all had rifles and artillery.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. HOLMES. I want to make this observation and as a member of the Appropriations Committee the gentleman can correct me if I am wrong. Up to the present time we have practically appropriated about \$14,000,000,000 for national defense.

Mr. TABER. Including the billion and a half that came out of the R. F. C. to provide loans for war industries and loans to South America, I would say it ran somewhere around \$12,000,000,000.

Mr. HOLMES. As a matter of fact, with these huge appropriations, we have asked private industry to expand the manufacture of implements of war, and we all note the expansion of the airplane-manufacturing industry, and as we go along our various coasts we see the expansion of our navy yards and private shipbuilding yards manufacturing these boats that the Navy has contracted for, and we also see the tremendous number of men the United States Government is asking and urging to go into the employment of the Federal Government at the various yards and arsenals, and so forth. And is there not an obligation on the part of the Congress, insofar as it possibly can, to make it possible for the men working in these industries to live in the community where these goods are manufactured for the Government?

Mr. TABER. We are not going to get men to work in the factories, or in the shipyards, or any of these establishments unless they are able to find a place to live in that territory.

Mr. HOLMES. In other words, we have to have a housing program.

Mr. TABER. It is just as important to house one group as another. Of course, in connection with this program, we are told by the Advisory Commission to the Council of National Defense that approximately 80,000 of these housing units are to be provided by private industry.

Mr. HOLMES. I was just going to make that observation.

Mr. TABER. I understand that is so.

Mr. HOLMES. And as far as the Administrator is concerned, following the purport and intent of the legislation, we were assured that insofar as humanly possible the Administrator would try to utilize private capital in connection with this building program, especially in congested areas where the type of construction has to be more or less of a permanent nature which will still exist after the emergency has passed.

So we have a different type of housing. It was suggested to us by those who came before our committee representing the workers, when they were asked what was the fair rent on these houses averaging \$3,000, that \$25 or \$30 a month would be about right.

Mr. TABER. I think that is so, but that is not what they intend charging them, according to the information we were furnished yesterday. They intend charging them \$15 or \$20 a month. Frankly, I do not think that is fair. I think they ought to be prepared to pay at least \$35 a month for a housing unit that costs \$3,500.

Mr. HOLMES. Will the gentleman yield?

Mr. TABER. Yes; I yield.

Mr. HOLMES. We may go out in some isolated spot and build four or five thousand houses in connection with a powder plant and the average cost will be \$1,500 or \$1,800 or \$2,000 per unit. You would not say that \$35 a month would be a fair charge for that type of house.

Mr. TABER. Not for a unit that only cost \$1,500, of course, but if it cost \$3,500 I would say so.

Mr. HOLMES. This makes it possible for the Administrator to determine on the value of the cost of the project.

Mr. TABER. That is true.

Mr. HINSHAW. Will the gentleman yield?

Mr. TABER. I yield.

Mr. HINSHAW. I would like to ask the gentleman two or three questions. In the first place, do I understand him to say that the rentals fixed on these properties for civilian use will not be based on a competitive figure, but on some figure set up by some administration?

Mr. TABER. I do not believe they can be based on a competitive figure, but they should be as near as possible to what people have to charge to break even on private operations. If they are not, they are going to be a menace to the building industry everywhere.

Mr. HINSHAW. The reason I asked that question is because I have one of the large industries in my district and recently there have been hundreds and hundreds of new small homes built on vacant property around those industries and sold on some kind of an F. H. A. basis for \$2,950 and figures approximating that, with a very small down payment. Now, if this housing is going to compete with those houses the workers who have bought those houses at \$2,950 and who pay \$30 a month are going to find that the values have considerably decreased, I should think. Would the gentleman comment on that?

Mr. TABER. I do not think that this housing program should compete with private industry in that way. I do not think it is fair. It is destructive.

Mr. HINSHAW. This competes with the F. H. A.

Mr. TABER. It should not. I do not know whether it will or not. I hope it will not, but I have no assurance from anyone that it will not.

Mr. LANHAM. Will the gentleman yield at that point?

Mr. TABER. I yield.

Mr. LANHAM. I call the attention of the gentleman to the fact that in the Senate amendment there was this provision about a finding with reference to the necessity for housing, "but such finding shall not be made until notice shall be given to the Federal Housing Administration of the proposed construction, stating the number of units proposed and the areas in which they are to be located." That was stricken from the bill in the conference report by reason of the fact that in section 8 of the bill the Administrator is authorized to act through any of these various agencies and there was no reason to name one of them and give it that priority. There is no disposition, according to the information before us, to seek to interfere in any way with those

who build or those who own private dwellings, but necessarily no exact standard of rentals could be fixed when the structures would vary in character in different localities.

Mr. HINSHAW. Knowing the gentleman as we do in the House, we know he would not want to see defense housing placed in a position to defeat the purposes of the F. H. A., through competition.

Mr. LANHAM. That is true.

Mr. HINSHAW. If the gentleman can assure us that this will not be the case, then I shall be delighted and very much relieved.

Mr. HOLMES. Will the gentleman yield to me?

Mr. TABER. I yield.

Mr. HOLMES. As a matter of fact, does not this legislation open up a wider avenue for cooperation with the Federal Housing Administration?

Mr. LANHAM. That is my understanding of the measure. As a matter of fact, when the emergency has passed there will be a great many people who will be able to buy these homes and carry on. There is certainly no intention to have competition, because it is the purpose to use all private housing wherever it is available, and to supplement that with these appropriations where it is not available. But the rental will necessarily have to depend upon the character of the building and the location of the building, and it would make for lack of harmony if a monkey wrench were thrown into the machinery by placing very low rentals that were not reasonable.

Mr. HINSHAW. The gentleman assures us that arbitrary rentals will not be placed upon this property in such a way that it will tend to defeat the F. H. A. program in small housing?

Mr. LANHAM. Those who appeared before our committee told us that if they did anything like that it would make for a lack of harmony in carrying out this program and that harmony was absolutely essential, and that they would avoid every circumstance of that kind that they possibly could.

Mr. RICH. Will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. RICH. Where you build these plants which are temporary plants, for the purpose of supplying war munitions today, it is not like it was 20 years ago when you had to have a house right alongside of the plant.

Everybody today has an automobile and he can travel 25 miles to reach the plant, if necessary, without great inconvenience. If the industrial plant is of temporary construction, for instance, for the purpose of making war munitions for this emergency, is it necessary to locate these plants so that we are forced into the construction of a lot of these houses?

Mr. LANHAM. I will say to the gentleman that houses will be built upon the basis of need. This program is going to be carried out according to the need of the circumstances.

Mr. RICH. Will the chairman guarantee that we are not going to waste money that way?

Mr. TABER. Mr. Chairman, there was one thing in the testimony before the committee that I had overlooked but which I believe should be called to the attention of the Members. There was testimony to the effect that where these workers were housed the rental would be approximately 20 percent of the wage they received. This, to a certain extent, would be a safeguard, because most of these fellows will receive in the neighborhood of \$35 a week, as I understand it. This would mean a rental of somewhere around \$30 a month.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. BENDER. I would like to make a brief observation if the gentleman will be kind enough to give me a little time.

Mr. TABER. Would the gentleman rather have time in his own right? I will yield to him in a minute.

Mr. BENDER. If the gentleman will.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield for one question.

Mr. STEFAN. We have heard considerable discussion on the floor concerning the terrible economic problem that will face this country after this is all over. In the hearings on this bill did the committee give some thought in the \$500,-

000,000 construction program as to whether the houses would be an entire waste, that there would be something we could use for the economic recovery which will be necessary after this war scare is over?

Mr. TABER. In the case of any houses that had to be abandoned the salvage would not go very far, nor would they go very far toward providing permanent housing.

Mr. STEFAN. Then it will represent a waste after a while.

Mr. TABER. It is mostly a washout, this \$300,000,000 we are providing. The total amount we have provided already with this item, for housing of one kind and another for the Army and Navy within the last few weeks runs somewhere around \$756,000,000. There was \$128,000,000 for housing for the National Guard; \$338,000,000 for housing for the drafted troops; and approximately \$140,000,000 on the appropriation that went through a couple of weeks ago; and \$150,000,000 now. This makes a total of approximately \$756,000,000.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CASE of South Dakota. Does the gentleman have any idea how the Congress might safeguard these funds so that we would not have any repetition of the experience we had with housing under the Tennessee Valley Authority?

Mr. TABER. I do not know whether anything can be done to prevent the repetition of such experience or not. I criticized these people yesterday because one of these outfits specified that the pine to be used in that particular construction had to be of a certain kind. That kind grew in a single State. The result was that it shot the market for that particular type of pine all out of sight.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York reserves the balance of his time.

Mr. TABER. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. BENDER].

The CHAIRMAN. The gentleman from Ohio is recognized for 1 minute.

Mr. BENDER. Mr. Chairman, in my own State of Ohio the recent census figures reveal that the New Deal is creating many ghost cities. Population has decreased during the last 10-year period in many industrial centers. What concerns me is that we are erecting these alleged national-defense plants far from industrial centers, thereby creating a greater problem and then spending the taxpayers' money to build new houses where there are plenty of houses in these industrial centers now.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, there are about half a dozen resolutions pending before the Committee on Rules for the appointment of committees to investigate expenditures by the War and Navy Departments. Personally, having the utmost confidence in the Appropriations Committee, especially its chairman, and the chairmen of its subcommittees, and in view of the further fact that we have the Bureau of the Budget and a Committee on Expenditures in the Executive Departments, the Committee on Rules has felt it unnecessary or untimely at this time to act favorably on these resolutions, looking to appointment of investigating committees. I feel, however, that the Appropriations Committee will, as was promised me, explore very carefully when representatives of the departments request appropriations for national defense. I shall not say anything more on the matter at this time.

Mr. Speaker, the gentleman from Michigan [Mr. HOFFMAN] has again questioned the gentleman from Virginia as to the increased cost of housing, and is alarmed that the Government, or contractors, again will be precluded from hiring nonunion, or what is generally known as scab labor. Day after day, he unjustifiably attacks labor, and he fears that the cost of preparedness will increase—even retard proper preparedness—by the action of labor unions. He does not, however, pay any attention to the fact that such organizations

as the United States Chamber of Commerce, the National Manufacturers' Association, and others, have strong and very aggressive organizations to protect and promote their interests. Those employed in construction work invariably work but 5 or 6 months a year. Their wages, consequently, must be a little higher than if their employment were regular. I think they are entitled to higher wages when they work so they may live properly in enforced idleness. I hope, therefore, that in the future the gentleman from Michigan [Mr. HOFFMAN] will give some critical attention to these manufacturers and industrialists in whose welfare he is so vitally interested, fearing that their profits may be reduced. I say to him that they have made more money than ever before in the history of America. Some of these concerns have increased their profits all the way from 30 to 600 percent in the last 6 months, or during the last year. This I have shown in my remarks appearing in the CONGRESSIONAL RECORD of September 19, wherein I set forth the following table:

	Net profits for first 6 months, 1933	Net profits for first 6 months, 1940	Percent increase
General Electric.....	\$5,953,605	\$25,871,572	334
United Fruit.....	5,073,000	9,379,000	85
Republic Steel Co.....	2,929,019	6,449,453	120
Atlantic Refining Co.....	1,002,600	5,293,000	425
Libby-Owens-Ford Glass.....	2,157,083	5,176,748	140
Caterpillar Tractor.....	470,765	3,509,514	646
American Brake Shoe & Foundry Co.....	241,486	1,296,636	425
Beech-Nut Packing Co.....	744,487	1,461,018	96
Kimberly-Clark Corporation.....	311,511	1,373,651	340
Container Corporation of America.....	240,177	1,128,735	369
Hanna (M. A.) Co.....	394,909	1,104,307	179
Eaton Manufacturing Co.....	31,253	1,908,348	6,054
Borg-Warner Corporation.....	335,172	2,830,983	747
General Cigar.....	441,058	574,098	30

These companies have increased their profits inordinately, but the gentleman from Michigan [Mr. HOFFMAN] pays no attention to that. It does not interest him. He has depreciating interest in a wage earner who might earn a few dollars more than he has heretofore, but no more than that to which he is entitled and actually needs for himself and his family.

Mr. FULMER. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from South Carolina.

Mr. FULMER. Is it not a fact that all of these industries that the gentleman is apparently so interested in when he speaks about wage earners and their organizations, are all hog-tied in an organization or association of which they are members, and in which they thresh out all of their problems, formulate rules and regulations governing production, distribution, and actually fix prices?

Mr. SABATH. Does the gentleman mean the members of the chamber of commerce and the National Manufacturers' Association?

Mr. FULMER. All of these manufacturers.

Mr. SABATH. Why, yes. The small relative amount that a wage earner receives in comparison with what these corporations receive is infinitesimal; and I am sorry that the gentleman from Michigan [Mr. HOFFMAN] takes so much time making these unfair statements.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SABATH. Mr. Chairman, as to the pending appropriation bill, I do not want to be misunderstood. I think the appropriation is needed and the bill should be passed. As I stated heretofore, I have complete confidence in the Appropriations Committee. However, having had experience during the last World War, and having observed very closely some of the then existing practices, I shall endeavor, to the best of my ability, to be kept informed how the money is expended, to see whether or not real economy is practiced, and whether or not favoritism is shown. Later on the Appropriations Committee will have sufficient time to carefully question each and every representative of a department who appears before it asking for additional money or authority.

Mr. HOLMES. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Massachusetts.

Mr. HOLMES. I think the gentleman is touching on a very sensible suggestion, and I want to give him one concrete example to work on right away. The National Guard of Massachusetts has been called out. According to the President, they are going to be housed at Cape Cod. I have been informed that a dredging contractor from California has been given the contract to build those barracks and he has never built a building in his life.

Mr. SABATH. I have been reliably informed that in my own State three or four contracts for these large construction projects amounting to many millions of dollars have been awarded to New York contractors.

Mr. Chairman, as I have said before I know that in Illinois we have many well-qualified, competent contractors and builders who are more than anxious to serve the Government honestly, faithfully, and economically. Ordinarily, all departments are required by law to award contracts to the lowest, responsible bidders and to require each successful bidder to post an adequate performance bond, but this construction work has been and is being awarded on a negotiated-fee-contract basis. Due to the present emergency, I do not find fault with this practice, but I fear there is discrimination.

When we consult the Army and the Navy, we are assured it is the practice to award contracts to those qualified in the locality of the projects; yet what actually happens is, as pointed out by the gentleman from Massachusetts [Mr. HOLMES], that a contractor from California is given an award for work in Massachusetts, and a contractor from, say, New York comes to my own State of Illinois to do this Government work, while both Massachusetts and Illinois have competent contractors to do all such Government work.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Resolved, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, for the purposes enumerated:

FEDERAL WORKS AGENCY

National-defense housing: To enable the Federal Works Administrator to carry out the purposes of the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," H. R. 10412, as enacted into law during the Seventy-sixth Congress, \$75,000,000, to be expended in accordance with the provisions of such act, to remain available until expended, and to be available for all necessary administrative expenses for the purposes hereof, including personal services and rent in the District of Columbia and elsewhere, printing and binding, and purchase, repair, operation, and maintenance of motor-propelled passenger-carrying vehicles; and in addition to such appropriation, authority is granted to enter into contracts or otherwise to incur obligations for the above purposes in amounts not to exceed in the aggregate \$75,000,000: *Provided*, That in no case under the foregoing appropriation or contractual authorization shall the fixed fee to be paid the contractor under any contract entered into without reference to section 3709 of the Revised Statutes of the United States on a cost-plus-a-fixed-fee basis exceed 6 percent of the estimated cost of the contract, exclusive of the fee, as determined by the Administrator or the head of such Federal agency through which he may act: *Provided further*, That the fact that a contract is entered into under the provisions of the above-mentioned act without reference to section 3707 of the Revised Statutes of the United States shall not be construed to render inapplicable the provisions of the act of March 3, 1931, as amended by the act of August 30, 1935 (49 Stat. 1011; U. S. C., title 40, sec. 276 (a)), or the provisions of the act of June 30, 1936 (49 Stat. 2036; U. S. C., title 41, secs. 35-45), to any contract to which the provisions of either or both of such acts would otherwise apply.

Mr. WOODRUM of Virginia. Mr. Chairman, on page 2, line 22, the "3707" should be "3709." That is a typographical error and I ask unanimous consent that it may be corrected.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: On page 1, line 7, strike out "National-defense."

Mr. BENDER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, coming from a great industrial center that has shown a decrease in population in the last decade, I am very much concerned with the direction in which we are moving in this country. Cleveland has shown a decrease in population, as have Akron and Youngstown; in fact, practically every large industrial center in the country has either remained static or has shown a decrease in population.

I know that the stoppage of immigration in 1924 had something to do with this situation. I know, too, that during the last 10 years, with two families living under one roof, the growth of families has naturally not been as great as was true previously. It is extremely important to call to your attention the fact that because private enterprise has been discouraged and has been in the dog house during the reign of the New Deal many of our people have moved from these large centers, thereby causing this decrease in population. Now we are erecting national-defense plants far removed from present industrial centers.

It seems to me we might have planned a little better in establishing more of these industries in the centers where no housing problem exists. I know there are some national-defense industries which cannot be located in the large centers, for example the shipbuilding industry, but there are many more industries that could be established in these large centers, rather than separating families and uprooting homes as will be uprooted when we transplant these industries to other parts of the country.

I am greatly concerned with the wastefulness of this whole program. We have wasted so much money during the last 7 years that it ill behooves us in the name of national defense to go on with our Government's ruinous and wasteful policy.

The Baltimore Sun, a Democratic newspaper, last Sunday showed that the Federal jobholders in 1933 numbered 572,091, and that we now have 1,023,341 Federal employees. In other words, about the only city where there has been a substantial increase in population, apart from Los Angeles and certain towns in Florida, is Washington, D. C., while our great industrial centers upon which the prosperity of our Nation depends, along with the prosperity of agriculture, have lost in population. Now, in the name of national defense we are traveling the same road we have traveled the past 7 years and that has only created great trouble for all of us in this country. Our unemployment situation has not improved in America, even in the face of all the New Deal experiments. The forgotten man, of whom we heard so much in 1933, has never been remembered. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The amendment was rejected.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE

Enforcement of the Commodity Exchange Act: For an additional amount to enable the Secretary of Agriculture to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), and as further amended by the Act entitled "An act to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts," H. R. 4088, as enacted into law during the Seventy-sixth Congress, \$40,000.

Mr. WOODRUM of Virginia. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BEAM, Chairman of the Committee of the Whole House on the state of the Union, reported that

that Committee having had under consideration the joint resolution (H. J. Res. 614) making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BULWINKLE. Mr. Speaker, I make a point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 226]

Allen, Ill.	DeRouen	Jarman	Robison, Ky.
Allen, Pa.	Dies	Jenks, N. H.	Rockefeller
Anderson, Calif.	Ditter	Jennings	Sandager
Andrews	Doughton	Keller	Schaefer, Ill.
Arnold	Douglas	Kilburn	Scrugham
Barden, N. C.	Dworshak	Kirwan	Shafer, Mich.
Barnes	Elliott	Kleberg	Sheppard
Barton, N. Y.	Evans	Knutson	Sheridan
Bates, Mass.	Faddis	Lemke	Short
Bell	Fish	McGranery	Smith, Wash.
Boland	Fitzpatrick	Magnuson	Starnes, Ala.
Boren	Ford, Leland M.	Marcantonio	Steagall
Bradley, Pa.	Ford, Thomas, F.	Martin, Ill.	Sullivan
Brewster	Fries	Martin, Mass.	Sweeney
Brooks	Gibbs	May	Talle
Buck	Gifford	Merritt	Thill
Buckley, N. Y.	Gilchrist	Mills, La.	Thorkelson
Burch	Green	Mitchell	Tinkham
Caldwell	Gwynne	Mott	Tolan
Cartwright	Hall, Edwin A.	Nelson	Wadsworth
Casey, Mass.	Hall, Leonard W.	Norton	Wallgren
Cluett	Harrington	O'Brien	Warren
Collins	Havener	O'Day	Weaver
Corbett	Hawks	Parsons	Welch
Crawford	Healey	Patton	White, Ohio
Creal	Hook	Peterson, Ga.	Williams, Mo.
Crosser	Hope	Reece, Tenn.	Wolfenden, Pa.
Cullen	Houston	Rees, Kans.	
Darden, Va.	Izac	Richards	
Darrow	Jacobsen	Robinson, Utah	

The SPEAKER. On this roll call 311 Members have answered to their names, a quorum.

Mr. COOPER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

Mr. HILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8512) to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 8, after "appropriated", insert "a sum not to exceed \$125,000."

Page 2, lines 9 and 10, strike out "such sums as the Congress may from time to time determine."

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain just what the amendments do?

Mr. HILL. The gentleman from Georgia [Mr. TARVER] will explain the amendments.

Mr. TARVER. Mr. Speaker, the bill passed the House without any limitation on the amount which might be appropriated thereunder being contained in the bill and the Senate fixed a limitation on the amount which might hereafter be appropriated by the Congress. So the effect of the amendment is to limit the bill to less than what was contained in the House action. I spoke to the gentleman from Michigan about the bill some little time ago.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. TABER. I object, Mr. Speaker.

Mr. TARVER. Mr. Speaker, will the gentleman reserve his objection?

Mr. TABER. Yes.

Mr. TARVER. I do not know, of course, the basis of the gentleman's objection, but the effect of the amendment which was proposed in the Senate is one of economy, which I know the gentleman strongly favors. The House action was had without the placing of any limitation on the amount or the authorization whatever, whereas the Senate action imposes limitations.

Mr. TABER. How much of a limitation?

Mr. TARVER. One hundred and twenty-five thousand dollars.

Mr. TABER. That is quite liberal.

Mr. TARVER. May I say to the gentleman that the bill involves the acquisition of certain designated lots of land which were originally within the limits of the Chickamauga-Chattanooga National Military Park. The amount of the limitation is reasonable, the land can be acquired within the limitations imposed by the Senate amendment and it certainly seems to me there ought not to be any valid ground for objection.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. HILL. The House bill, as it passed the House originally, had no limitation, and now the Senate bill has a limitation and I do not see any valid ground for the gentleman's objection.

Mr. TABER. If the gentleman would accept an amendment reducing the \$125,000 limitation to \$25,000, I think it might be in order.

Mr. TARVER. May I say to the gentleman that the land in question could not be bought for \$25,000. The gentleman, together with other Members of the House, permitted the bill to pass the House with no limitation whatever upon the amount which might be appropriated under the unanimous-consent rule, and it certainly seems to me there ought not to be any objection to the placing of a limitation upon what was heretofore unlimited when the House acted.

Mr. TABER. What appeals to me is this: \$125,000 is a very liberal figure, and if the request should be changed so that the limitation were reduced to \$25,000 I would not feel obliged to object, but if it is to be \$125,000 I think I should feel obliged to object.

Mr. TARVER. Of course, the gentleman understands that the effect of his request would be to defeat the purpose of the bill. If the gentleman entertains the conclusion that he must object unless the very reasonable limitation placed in the bill by the Senate is reduced, then I know of nothing we can do except to permit the gentleman to exercise that privilege of objecting; but I think it is a very unreasonable position for the gentleman to take, because he permitted the bill to pass the House without objection when his objection could have killed it, when no limitation whatever upon the amount to be appropriated was in the bill, and he now objects to a Senate amendment which proposes a definite limitation.

Mr. TABER. Of course, I have been tied up on committee a great deal and have not always been able to be present when bills were called up by unanimous consent, and many times they go through without limitations that should be in.

Mr. TARVER. May I say this to the gentleman before he makes his objection, that in the event the gentleman objects to the concurrence of the House in the Senate amendment, the probable effect will be that the Senate will recede from its amendment and thereby leave the bill without any limitation whatever. It is just a question for the gentleman to determine as to whether he wants a reasonable limitation or whether he wants no limitation at all.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I object.

CALL OF THE HOUSE

Mr. PATMAN. Mr. Speaker, I make a point of order. I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-seven Members are present; not a quorum.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Allen, Ill.	DeRouen	Jacobsen	Robinson, Utah
Anderson, Calif.	Dies	Jenks, N. H.	Robson, Ky.
Arnold	Ditter	Jennings	Rockefeller
Barden, N. C.	Doughton	Keller	Ryan
Barnes	Douglas	Kilburn	Schaefer, Ill.
Barton, N. Y.	Dworshak	Kirwan	Scruggam
Bates, Mass.	Elliott	Kleberg	Shafer, Mich.
Boland	Evans	Knutson	Sheppard
Bolles	Faddis	Lemke	Sheridan
Bradley, Pa.	Fish	McDowell	Short
Brewster	Fitzpatrick	Magnuson	Starnes, Ala.
Brooks	Flannery	Marcantonio	Steagall
Buck	Ford, Leland M.	Martin, Ill.	Sullivan
Buckley, N. Y.	Ford, Thomas F.	Martin, Mass.	Sweeney
Burch	Gibbs	May	Talle
Burdick	Gifford	Merritt	Thill
Caldwell	Gilchrist	Mills, La.	Thorkelson
Cartwright	Grant, Ala.	Mitchell	Tolan
Casey, Mass.	Green	Mott	Wadsworth
Clevenger	Hall, Edwin A.	Nelson	Wallgren
Cluett	Hall, Leonard W.	Norton	Warren
Collins	Harrington	O'Brien	Weaver
Corbett	Havener	O'Day	Welch
Cullen	Healey	Parsons	White, Idaho
Cummings	Hook	Patton	White, Ohio
Darden, Va.	Hope	Peterson, Ga.	Winter
Darrow	Houston	Reece, Tenn.	Wolfenden, Pa.
	Izac	Richards	

The SPEAKER. On this roll call 318 Members have answered to their names, a quorum.

Mr. COOPER. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. Without objection it is so ordered.

Mr. TABER. Mr. Speaker, I object.

Mr. COOPER. I moved it, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The question was taken; and, on a division (demanded by Mr. TABER), there were—ayes 99 and noes 75.

Mr. TABER. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. A quorum is not required to dispense with further proceedings under the call.

Mr. TABER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 222, nays 76, not voting 131, as follows:

[Roll No. 228]

YEAS—222

Allen, La.	Cole, Md.	Gathings	Kennedy, Michael
Allen, Pa.	Colmer	Gavagan	Keogh
Anderson, Mo.	Connery	Gearhart	Kerr
Ball	Cooley	Gehrmann	Kilday
Barry	Cooper	Geyer, Calif.	Kitchens
Bates, Ky.	Costello	Gore	Kocialkowski
Beam	Courtney	Gossett	Kramer
Beckworth	Cox	Grant, Ala.	Kunkel
Blackney	Cravens	Grant, Ind.	Lanham
Bland	Crosser	Gregory	Lea
Bloom	Crowe	Griffith	Leavy
Boehne	D'Alesandro	Gwynne	Lesinski
Boykin	Davis	Halleck	Lewis, Colo.
Bradley, Mich.	Delaney	Hare	Lewis, Ohio
Brown, Ga.	Dingell	Hart	Ludlow
Brown, Ohio	Dirksen	Harter, N. Y.	Lynch
Bryson	Disney	Harter, Ohio	McAndrews
Buckler, Minn.	Dondero	Hartley	McArdle
Bulwinkle	Doxey	Hawks	McCormack
Burgin	Duncan	Hendricks	McGehee
Byrne, N. Y.	Dunn	Hess	McGregor
Byrns, Tenn.	Durham	Hill	McKeough
Camp	Eberharter	Hobbs	McLaughlin
Cannon, Fla.	Edelstein	Hull	McMillan, Clara
Cannon, Mo.	Ellis	Hunter	McMillan, John L.
Carlson	Elston	Jarman	Maciejewski
Case, S. Dak.	Englebright	Johnson, Ind.	Mahon
Celler	Evans	Johnson, Luther A.	Maloney
Chapfield	Fay	Johnson, Lyndon	Mansfield
Church	Flaherty	Johnson, Okla.	Marshall
Clark	Flannagan	Johnson, W. Va.	Mason
Clason	Folger	Kee	Massingale
Claypool	Ford, Miss.	Kefauver	Michener
Cochran	Fulmer	Kelly	Miller
Coffee, Nebr.	Gamble	Kennedy, Martin	Mills, Ark.
Coffee, Wash.	Garrett	Kennedy, Md.	Monroney

Moser	Poage	Secrest	Thomas, Tex.
Mott	Polk	Shanley	Thomason
Mundt	Rabaut	Shannon	Van Zandt
Murdock, Ariz.	Ramspeck	Smith, Conn.	Vincent, Ky.
Murdock, Utah	Randolph	Smith, Ill.	Vinson, Ga.
Myers	Rankin	Smith, Ohio	Voorhis, Calif.
Norrell	Rees, Kans.	Smith, Va.	Walter
O'Connor	Rich	Smith, W. Va.	Ward
O'Leary	Robertson	Snyder	West
Oliver	Rogers, Mass.	Somers, N. Y.	Wheelchel
O'Neal	Rogers, Okla.	South	White, Idaho
O'Toole	Romjue	Sparkman	Whittington
Pace	Routzohn	Spence	Wigglesworth
Patman	Sacks	Sumner, Ill.	Wolverton, N. J.
Patrick	Sasser	Sumners, Tex.	Wood
Pearson	Schiffler	Tarver	Woodrum, Va.
Peterson, Fla.	Schuetz	Taylor	Youngdahl
Pfeifer	Schulte	Tenerowicz	Zimmerman
Pierce	Schwert	Terry	
Pittenger	Seccombe	Thomas, N. J.	

NAYS—76

Alexander	Fenton	Jones, Ohio	Rodgers, Pa.
Allen, Ill.	Gartner	Jonkman	Rutherford
Andersen, H. Carl	Gerlach	Kean	Sandager
Andersen, A. H.	Gillie	Keefe	Schafer, Wis.
Angell	Goodwin	Kinzer	Smith, Maine
Arends	Graham	Lambertson	Springer
Austin	Gross	Landis	Stearns, N. H.
Bender	Guyer, Kans.	LeCompte	Stefan
Bolles	Hancock	Luce	Sweet
Bolton	Harness	McDowell	Taber
Carter	Hinshaw	McLean	Tibbott
Clevenger	Hoffman	Martin, Iowa	Tinkham
Cole, N. Y.	Holmes	Monkiewicz	Treadway
Crawford	Horton	Murray	Vorys, Ohio
Crowther	Jarrett	Osmers	Vreeland
Culkin	Jenkins, Ohio	Powers	Wheat
Curtis	Jensen	Reed, Ill.	Williams, Del.
Eaton	Johns	Reed, N. Y.	Wolcott
Engel	Johnson, Ill.	Risk	Woodruff, Mich.

NOT VOTING—131

Anderson, Calif.	Dies	Jenks, N. H.	Robinson, Utah
Andrews	Ditter	Jennings	Robson, Ky.
Arnold	Doughton	Jones, Tex.	Rockefeller
Barden, N. C.	Douglas	Keller	Ryan
Barnes	Drewry	Kilburn	Sabath
Barton, N. Y.	Dworshak	Kirwan	Satterfield
Bates, Mass.	Edmiston	Kleberg	Schaefer, Ill.
Bell	Elliott	Knutson	Scrugham
Boland	Faddis	Larrabee	Shafer, Mich.
Boren	Ferguson	Lemke	Sheppard
Bradley, Pa.	Fernandez	McGranery	Sheridan
Brewster	Fish	McLeod	Short
Brooks	Fitzpatrick	Maas	Simpson
Buck	Flannery	Magnuson	Smith, Wash.
Buckley, N. Y.	Ford, Leland M.	Marcantonio	Starnes, Ala.
Burch	Ford, Thomas F.	Martin, Ill.	Steagall
Burdick	Fries	Martin, Mass.	Sullivan
Byron	Gibbs	May	Sutphin
Caldwell	Gifford	Merritt	Sweeney
Cartwright	Gilchrist	Mills, La.	Talle
Casey, Mass.	Green	Mitchell	Thill
Chapman	Hall, Edwin A.	Mouton	Thorkelson
Cluett	Hall, Leonard W.	Nelson	Tolan
Collins	Harrington	Nichols	Wadsworth
Corbett	Havenner	Norton	Wallgren
Creal	Healey	O'Brien	Warren
Cullen	Hennings	O'Day	Weaver
Cummings	Hook	Parsons	Welch
Darden, Va.	Hope	Patton	White, Ohio
Darrow	Houston	Peterson, Ga.	Williams, Mo.
Dempsey	Izac	Plumley	Winter
DeRouen	Jacobsen	Reece, Tenn.	Wolfenden, Pa.
Dickstein	Jeffries	Richards	

So the motion was agreed to.

The Clerk announced the following additional pairs:
Until further notice:

Mr. Warren with Mr. Short.
Mr. Doughton with Mr. Wolfenden of Pennsylvania.
Mr. Drewry with Mr. Robson of Kentucky.
Mr. Patton with Mr. Knutson.
Mr. Richards with Mr. Hope.
Mr. Barden of North Carolina with Mr. Gifford.
Mr. Peterson of Georgia with Mr. Fish.
Mr. Darden of Virginia with Mr. Douglas.
Mr. Satterfield with Mr. Barton of New York.
Mr. Hennings with Mr. Cluett.
Mr. Starnes of Alabama with Mr. Wadsworth.
Mr. Burch with Mr. Talle.
Mr. Green with Mr. Rockefeller.
Mr. Boland with Mr. Martin of Massachusetts.
Mr. Steagall with Mr. O'Brien.
Mr. Fries with Mr. Jennings.
Mr. Cullen with Mr. Kilburn.
Mr. Weaver with Mr. Jeffries.
Mr. Parsons with Mr. Gilchrist.
Mr. May with Mr. Dworshak.
Mr. Cartwright with Mr. McLeod.
Mr. Kleberg with Mr. Ditter.
Mr. Collins with Mr. Brewster.

Mr. Kirwan with Mr. Corbett.
Mr. Creal with Mr. Winter.
Mr. Nelson with Mr. Simpson.
Mr. Barnes with Mr. Welch.
Mr. Magnuson with Mr. Thill.
Mrs. Norton with Mr. Plumley.
Mr. Buckley of New York with Mr. Maas.
Mr. Merritt with Mr. Jenks of New Hampshire.
Mr. Chapman with Mr. Edwin A. Hall.
Mr. Dies with Mr. Anderson of California.
Mr. Cummings with Mr. White of Ohio.
Mr. Robinson of Utah with Mr. Reece of Tennessee.
Mr. Smith of Washington with Mr. Leonard W. Hall.
Mr. Buck with Mr. Darrow.
Mr. Faddis with Mr. Bates of Massachusetts.
Mr. Sutphin with Mr. Thorkelson.
Mr. Ferguson with Mr. Shafer of Michigan.
Mr. Harrington with Mr. Lemke.
Mr. Williams of Missouri with Mr. Leland M. Ford.
Mr. Havenner with Mr. Andrews.
Mr. Jacobsen with Mr. Burdick.
Mr. Larrabee with Mr. Marcantonio.
Mr. Arnold with Mr. Brooks.
Mr. Mouton with Mr. Martin of Illinois.
Mr. Byron with Mrs. O'Day.
Mr. McGranery with Mr. Mitchell.
Mr. Ryan with Mr. Elliott.
Mr. Fitzpatrick with Mr. Tolan.
Mr. Bradley of Pennsylvania with Mr. Mills of Louisiana.
Mr. Sabath with Mr. Casey of Massachusetts.
Mr. Edmiston with Mr. Wallgren.
Mr. Jones of Texas with Mr. Sheridan.
Mr. Caldwell with Mr. Schaefer of Illinois.
Mr. Nichols with Mr. Dickstein.
Mr. Scrugham with Mr. Flannery.
Mr. Hook with Mr. Sweeney.
Mr. Houston with Mr. Izac.
Mr. Dempsey with Mr. Keller.
Mr. Thomas F. Ford with Mr. Healey.
Mr. Sullivan with Mr. DeRouen.
Mr. Sheppard with Mr. Fernandez.

Mr. HALL, Mr. BRADLEY of Michigan, Mr. SCHIFFLER, and Mr. JOHNSON of Oklahoma changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—
EVLIN VAUGHN (H. DOC. NO. 965)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Claims and ordered to be printed:

To the House of Representatives:

I am returning without my approval the bill (H. R. 5400) entitled "For the relief of those rendering medical and hospital services to Evlyne Vaughn."

The bill proposes to provide for the payment of bills for medical services and hospitalization of Evlyne Vaughn, a child 8 years of age, who was injured as a result of being struck by an automobile belonging to the Forest Service.

It appears that Evlyne Vaughn was hanging to the rear of a wagon proceeding in a direction opposite to that in which the Government vehicle was being driven at the time of the accident, which took place on April 25, 1933, in Clarksville, Ark. A pedestrian called to the little girl to leave the wagon and return to the sidewalk; whereupon the little girl jumped from the wagon just as it was passing the Government automobile. She ran directly in front of the Government vehicle and was struck by the bumper and knocked down. It is not disputed that the driver of the Government vehicle was traveling at a low rate of speed and in a careful and prudent manner, and was unable to see the child before she jumped from the wagon. Clearly no fault attaches to the driver of the Government vehicle.

This circumstance is apparently recognized in the fact that the bill does not propose to make any compensation to the little girl for the personal injuries which she sustained, although she was rendered partly lame as a result of the lamentable occurrence. The legislation merely proposes to provide for the direct payment of the bills of the doctors who attended her and of the hospital where she received attention. Obviously the Government would not be liable in this instance as a matter of law, even if it waived its immunity from suit in tort. Similarly, it is difficult to discern any moral obligation on the part of the Government under the circumstances, and therefore no reason is perceived

why the Government should undertake to pay the doctors and the hospital who rendered services to the child.

While this regrettable accident is to be deplored and the little girl is entitled to our sympathy, I am unable to find sufficient reason why the Government should assume the obligation to pay the bills referred to in this legislation.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 8, 1940.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

FLOOD CONTROL IN THE CONNECTICUT RIVER BASIN

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4362) to provide for the completion of certain local protection works at East Hartford, Conn.

The Clerk read the title of the bill.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, will the gentleman explain what this bill is and how much money will be taken from our almost bankrupt Federal Treasury if we pass it?

Mr. WHITTINGTON. I shall be pleased to explain the bill.

Mr. Speaker, this is a bill which authorizes the appropriation of \$1,640,000 for flood protection at East Hartford, Conn. Under the Flood Control Act of 1938 provision was made for local protective works at Hartford, East Hartford, and other cities along the Connecticut River. After the work was in progress the Chief of Engineers reported that because of the extension of the project it would be necessary to increase the authorization by approximately \$1,600,000, and he made a favorable report for the increase of the authorization so as to provide protection of additional territory at East Hartford, Conn. Among other areas to be protected is that in which are located three large aircraft plants in which aircraft engines and airplanes are produced. Recently, Mr. Knudsen of the Defense Commission visited the area, and the Senator from Connecticut [Mr. MALONEY] was advised by Mr. Knudsen and by the President of the United States, and by Mr. Carmody, the Administrator of the Public Works Agency, that this was an emergency flood-control project and they recommended the enactment of this bill. I may also state that this project was embraced in the flood-control bill reported by the Committee on Flood Control on May 7. That bill has not been considered by the House because a river and harbor bill was vetoed by the President. This pending measure is said to be an emergency bill. A separate measure was introduced in the House by the gentleman from Connecticut [Mr. MILLER], and in the Senate by the Senator from Connecticut [Mr. MALONEY]. The bill passed the Senate and has been favorably reported by the House Flood Control Committee. The project is recommended by the Chief of Engineers, by the Defense Commission, and is requested by the President of the United States as an emergency flood-control project in the aid of national defense.

Mr. SCHAFER of Wisconsin. Then this is an emergency flood-control proposition to conserve and protect the lives of our countrymen, as well as an emergency national-defense proposition. I therefore believe that the gentleman's bill should be passed, and I am glad that he has explained it in such a fine manner. [Applause.]

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. CASE of South Dakota. The gentleman from Connecticut [Mr. MILLER], appeared before the Appropriations Subcommittee for the War Department, when we were considering the civil-functions bill, and both there and at other times in explanation of his project has convinced the members of that subcommittee that this is one of the most outstandingly meritorious projects of flood control.

Mr. WHITTINGTON. It is fair to say in this connection also that the river and harbor bill which was acted on yesterday originally contained this item, but because it was

a flood-control project, rather than a river and harbor project, it was stricken from that bill.

Mr. CASE of South Dakota. I am glad the committee is reporting the bill today.

Mr. ENGLEBRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. Yes; I am pleased to yield to the distinguished gentleman from California.

Mr. ENGLEBRIGHT. I might add further that this bill, as stated by the chairman, was considered at an extensive hearing of the Flood Control Committee. It was considered as one of the important projects and is in the flood-control bill that has not yet been taken up by the House.

Mr. WHITTINGTON. And it is only taken up at this time, so far as the chairman is concerned, at the request of the Commander in Chief of our Army and Navy and at the request of Mr. Knudsen of the National Defense Commission, and of Mr. Carmody of the Public Works Agency.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. MILLER. I said yesterday I wanted to thank the members of the Rivers and Harbors Committee for their help, and I would not let this matter close without expressing my appreciation to the members of the Committee on Flood Control for their activity and willingness to consider this as a separate bill due to the effect it might have on the approaches to the Pratt & Whitney plant particularly. And I would like to call the attention of the Members to the fact that on page 561 of the hearings on the supplementary civil functions appropriation bill will be found a letter from the president of the United Aircraft Corporation saying that the plant was closed for 7 days during the last two floods; that the work to be done as a result of this additional authorization will close the only gap that threatens to close this factory. If this plant were shut for 1 week it would mean the loss of 750 engines during that time.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. DONDERO. I think the RECORD ought to show that the only reason the conferees took this item out of the river and harbor bill was not because the project was without merit but because it did not belong in that bill but properly belonged to the gentleman's committee—and for that reason only.

Mr. WHITTINGTON. I made that statement a few minutes ago, and it is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the comprehensive plan for flood control in the Connecticut River Basin provided for in the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 28, 1938, is hereby modified to include the local protection works at East Hartford, Conn., recommended by the Chief of Engineers in House Document No. 653, Seventy-sixth Congress, third session; and there is hereby authorized to be appropriated for the completion of the said works the sum of \$1,640,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE AID TO FLOOD-CONTROL PROJECTS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3612) to authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, the gentleman from California [Mr. ENGLEBRIGHT], the ranking member of the committee, is present. Is this agreeable to him?

Mr. ENGLEBRIGHT. It is.

Mr. WHITTINGTON. Mr. Speaker, I think it is fair to make a statement. Under existing law in river and harbor works where there are local contributions, the local sponsors are permitted to make advances to the War Department for the prosecution of the work, to be subsequently repaid out of appropriations for those projects without interest.

The Chief of Engineers recommended a similar law with respect to flood-control projects and in the flood-control bill that our committee has reported to the House but which the House has not considered, there is a section that provides for the receipt of advances by the War Department from local interests, so that the law with respect to flood control may be identical with that which is now the law with respect to rivers and harbors.

This bill is brought up at this time because in the case of Cincinnati, Ohio, where there is an important flood-control project, and an authorization was made under the act of 1938, a rather large contribution was made by the city of Cincinnati. There was a bond issue, and it has been stated to the Committee on Flood Control that the authority to issue bonds will expire before Congress convenes in January 1941. So this bill merely authorizes that which is presently in effect with respect to river and harbor projects. The bill has been recommended by the Chief of Engineers, it has passed the Senate, and it has been recommended by the Committee on Flood Control.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from California.

Mr. ENGLEBRIGHT. In response to the inquiry made by the gentleman from Michigan [Mr. MICHENER], I may say that this bill was considered by the Flood Control Committee and it was considered an emergency matter.

Mr. WHITTINGTON. It does not authorize a single cent. It does not appropriate a dollar now or in the future. It merely amends existing law to put flood-control projects on a parity with river and harbor projects.

Mr. ENGLEBRIGHT. I may say further that this has the unanimous report of the Committee on Flood Control. It also has the unanimous support of the minority members of the Flood Control Committee.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. In view of the fact there is no opposition to this, and that it is very meritorious, may I say, on behalf of the people who live in Ohio, that we thank the gentleman for his kindness and may I announce at the same time that Cincinnati won the pennant.

Mr. WHITTINGTON. As chairman of the Committee on Flood Control, I regret exceedingly that the flood-control bill reported to this House has not been considered during the present session. There are other projects which are emergency propositions, and it is my purpose in the next Congress to bring that bill up for consideration as early as possible.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whenever any State or political subdivision thereof shall offer to advance funds for a flood-control project duly adopted and authorized by law the Secretary of War may, in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of War is authorized and directed to repay without interest, from appropriations which may be provided by Congress for flood-control work, the moneys so contributed and expended: Provided, however, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, or under the authority of section 5 of the Flood Control Act approved June 22, 1936, as amended, shall be made.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORTATION OF STOLEN ANIMALS IN INTERSTATE COMMERCE

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3786) to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. MURDOCK]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman state the situation?

Mr. MURDOCK of Utah. Mr. Speaker, this bill has passed the Congress twice. It has recently passed the Senate. The President vetoed it on two occasions, stating his reasons therefor. The bill, as the gentleman knows, makes unlawful the transportation in interstate or foreign commerce of any stolen animal, and the definition of "animal" is "any hog, horse, mule, or cattle," and the receiving of any horse, mule, cattle, or hog which has become a part of interstate commerce or which is being transported in interstate commerce is also included. It is an offense to receive such property knowing it has been stolen.

We are all familiar, especially in my part of the country and the territory west of the Mississippi River, with the fact that truckers today will swoop down on a farm and just about wipe a man out of the livestock business, and be gone out of the country when the theft is discovered. We find also out on the ranges in the Western States, due to their accessibility today, as the result of C. C. C. roads, that the truckers go out there, shoot down a number of cattle, load them, and they are gone into another State by the time the owner finds that his cattle or sheep are gone. There is no remedy whatever unless we can under a Federal statute invoke the help of the Federal Government.

Mr. MICHENER. When this matter was before the Congress previously, and before the President vetoed the bill, it contained chickens. I opposed it then. Has the gentleman taken chickens out?

Mr. MURDOCK of Utah. Yes.

Mr. MICHENER. It will not be a Federal offense now to steal a chicken and take it across the State line?

Mr. MURDOCK of Utah. No.

Mr. MICHENER. One further thing. I presume the gentleman has conferred with the President and feels sure that the President will sign this bill that he has heretofore vetoed?

Mr. MURDOCK of Utah. I have every assurance from sources that claim to know that the President will sign the bill if we pass it at this time.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. This bill, I think, is identical with a bill which the gentleman from Utah introduced in the previous Congress?

Mr. MURDOCK of Utah. Yes.

Mr. CASE of South Dakota. And it is identical with a bill I introduced in this Congress.

Mr. MURDOCK of Utah. That is true.

Mr. CASE of South Dakota. I may say in further answer to the gentleman from Michigan that the matter has been canvassed with the Department of Justice, and I understand some contact has been made with the White House, and we are assured that in its present form it will receive final approval.

Mr. MURDOCK of Utah. Yes; if the bill passes the House. I take this opportunity to thank the gentleman from South Dakota for the assistance he has given in helping me with this bill.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Missouri.

Mr. COCHRAN. Is this the bill the President vetoed, with the chickens taken out?

Mr. MURDOCK of Utah. That is right; the chickens are out.

Mr. COCHRAN. You just confine it to horses?

Mr. MURDOCK of Utah. Horses, mules, cattle, sheep, and hogs.

Mr. COCHRAN. Where are the Congressmen now who are always demanding that the Federal police stay out of their States?

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. On behalf, I think, of all of our Representatives from Colorado we most urgently suggest that this bill be passed. It is a very meritorious measure. We have found from experience that nearly all the cattle rustling that is left is done across State lines in trucks, just as my distinguished friend from Utah has described.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. The gentleman from Colorado has expressed my view. I want to support the measure in behalf of the cattle growers and livestock men of Arizona. We feel that this bill ought to be enacted into law. I would favor including chickens and goats.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is not this bill unfair and discriminatory? The gentleman has taken stolen chickens out of the bill but he admits the bill includes stolen donkeys transported in interstate commerce, and that it excludes stolen elephants.

Mr. MURDOCK of Utah. I will leave it up to the gentleman as to whether or not it is unfair. I believe there was good reason for having chickens in the bill. I know that some Representatives from Oklahoma proved their case, in my opinion, in good shape before the Committee on the Judiciary, but for some reason the Department of Justice did not like to have chickens in the bill, and Senator McCARRAN has seen fit to exclude them.

Mr. SCHAFER of Wisconsin. That will clear up the chickens. I am serious about this. This is not a facetious inquiry. We are now engaged in a great national political campaign. In this campaign many of the brethren on your side will have donkeys, which are the proper emblem of your political party, at some of their campaign meetings, and many of the brethren on our side will have elephants, which are the emblem of the Republican Party, at some of their campaign meetings. You propose now to pass a bill by unanimous consent to make it a felony to transport a stolen donkey in interstate commerce, but you exclude elephants, so you are going to send word out, "Go and steal all of their elephants, but if you steal our donkeys you are going to the jailhouse for 5 years. Of course, after the November 5 election the red Soviet donkeys which are proper symbols of the New Deal will be about as extinct as the American buffalo and political elephants will multiply as rapidly as minks and rabbits.

Mr. MURDOCK of Utah. My answer to the gentleman from Wisconsin is, that by November 5 Mr. Willkie will have so completely annihilated the Republican elephant that he need have no worry about anyone stealing him. As a Democrat, I tender my services and a good, live, Democratic donkey to drag the dead carcass of the elephant out into the brush.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield for a serious question?

Mr. MURDOCK of Utah. I yield to the gentleman from New York.

Mr. HANCOCK. I believe the gentleman misspoke himself a moment ago when he said this bill was identical with the one

he introduced a year ago and which was vetoed. Will the gentleman please point out the difference between this bill and the bill that was vetoed by the President?

Mr. MURDOCK of Utah. I think the only difference between this bill and the one that was vetoed by the President, as I recall, is that the bill that was vetoed by the President had chickens in it.

Mr. HANCOCK. Is that the only difference?

Mr. MURDOCK of Utah. I think it is.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Seriously, the gentleman said the only difference is that the chickens were left out of this bill. This seemed to arouse some merriment on both sides of the aisle. May I say that in the great Northwest—and the gentleman is more familiar with that than I am—there are poultry farms where they have thousands of chickens.

Mr. MURDOCK of Utah. That is true.

Mr. HOFFMAN. In my own county, in the township adjoining the city in which I live, there are farmers who have two or three thousand chickens. Thieves come in from Chicago with their trucks and load up the chickens and take them away, several hundred dollars' worth to a load. Why should we not have protection?

Mr. MURDOCK of Utah. I should be very glad to help the gentleman put a chicken bill in later, if he will let this bill go through.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Do I correctly understand that the bill does not cover, say in the Southwest, goats and sheep?

Mr. MURDOCK of Utah. The bill states:

The term "animal" shall include any cattle, hog, sheep, horse, or mule.

I would say that goats are included in that.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act shall be cited as the National Animal Theft Act.

SEC. 2. When used in this act—

(a) The term "animal" shall include any cattle, hog, sheep, horse, or mule.

(b) The term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

SEC. 3. Whoever shall transport or cause to be transported in interstate or foreign commerce any animal, or the carcass or hide or any part of the carcass or hide of any animal, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 5 years, or both.

SEC. 4. Whoever shall receive, conceal, store, barter, buy, sell, or dispose of any such animal, or the carcass or hide or any part of the carcass or hide thereof, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 5 years, or both.

SEC. 5. Any person violating section 3 of this act may be prosecuted in any district from, into, or through which such animal, or the carcass or hide or any part of the carcass or hide thereof, has been transported or removed.

SEC. 6. Nothing herein shall be construed to repeal, modify, or amend any part of the National Stolen Property Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Michigan makes the point of order that a quorum is not present. The Chair will count.

Mr. DINGELL. I withdraw the point of order, Mr. Speaker.

FIRST NATIONAL STEAMSHIP CO., SECOND NATIONAL STEAMSHIP CO.,
AND THIRD NATIONAL STEAMSHIP CO.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10440) for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear and determine in any suits instituted within 1 year from the date of the enactment of this act, jointly or severally, by the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., the claims of such companies on account of (1) certain sums allegedly deposited by them with the United States Shipping Board in 1920; (2) certain disbursements alleged made by them, for and on behalf of the United States, in 1920, for other than physical operation costs, in connection with the vessels *Independence*, *Hoxie*, and *Scottsburg*, owned by the United States; and (3) certain improvements and equipment allegedly paid for and placed aboard said vessels by them in 1920 and not removed therefrom by said companies; and if the court shall determine that there was no sale of or valid contract to sell said vessels to said companies, and that the payment made to said companies on October 7, 1935, was not in full satisfaction of the just claims of said companies existing on December 31, 1925, to enter such decrees or judgments against the United States as will provide full reimbursement and just compensation to said companies on account of said claims notwithstanding any statute of limitations: *Provided*, That such compensation shall not be in excess of 3 percent per annum of the total of the payments made and ordered to be made for the period that any moneys were withheld from the claimants: *Provided further*, That after such determinations by the court, the United States may plead any defense it may have (except the statute of limitations), including laches, res judicata, release, prior settlement, accord, and satisfaction, and any of such defenses, if made and held valid by the court, and sustained by the weight of the evidence, shall constitute a bar to recovery.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain just what this bill is?

Mr. HOBBS. This is a bill on the Private Calendar which would authorize these three steamship companies to litigate their claim in the Court of Claims. This is the identical bill that was passed by the House unanimously at a former session but was vetoed by the President. This bill has simply been amended to meet the objections of the President. The bill has been considered by the committee and by the Department of Justice. There is no objection from the Department of Justice, as I understand, and the committee has unanimously approved the bill.

Mr. TABER. Reserving the right to object, Mr. Speaker, how much is involved in these claims and what is the nature of them?

Mr. HOBBS. This is a claim for the unpaid balance of money actually deposited under a written escrow agreement. This money is not in the Treasury of the United States but is kept in a separate trust fund. It is cash money deposited by these companies to guarantee the return of the ships they were operating for the Shipping Board at the request of the Government.

Mr. TABER. Have they returned these ships?

Mr. HOBBS. Yes; and a full receipt was given for them in good condition; in fact, in better condition than when they were delivered.

Mr. TABER. Why has this bill not come up under the Private Calendar?

Mr. HOBBS. It has, and has been passed.

Mr. TABER. At this session?

Mr. HOBBS. Yes, sir; and has been vetoed and is back now in slightly amended form to meet the views of the President.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am always happy to yield to the distinguished gentleman from New York.

Mr. HANCOCK. The original bill, as I recall it, denied the Government certain defenses, while the present bill allows the Government to assert all defenses except the statute of limitations when the case is presented to the Court of Claims,

so that the United States has the right to defend itself with every defense at its command except the one defense of laches or the statute of limitations.

Mr. HOBBS. I may say to the gentleman that that is a matter of interpretation. It was thought that the original bill did not deny the Government any defense save the statute of limitations, and this one certainly does not.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. J. GREENLEAF

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (S. 527) for the relief of J. J. Greenleaf:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 527) entitled "An Act for the relief of J. J. Greenleaf" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows: In lieu of the figures "\$8,125" insert "\$10,000"; and the House agree to the same.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,

Managers on the part of the House.

PRENTISS M. BROWN,
JOHN G. TOWNSEND,
EDWARD R. BURKE,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 527), for the relief of J. J. Greenleaf, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

This bill, as it passed the Senate, provided for the payment of the sum of \$14,875 to J. J. Greenleaf in full settlement of the balance due from the Government of the United States for services rendered to the Government by the said J. J. Greenleaf pursuant to his employment to represent the Government of the United States in certain litigation.

The House committee recommended passage of the bill in the reduced amount of \$8,125, setting forth the reasons therefor in the report which accompanied the bill, and the bill passed the House in said amount.

The Senate disagreed to the amendment of the House, and at the conference a compromise amount of \$10,000 was agreed upon.

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,

Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

WILLIAM A. REITHEL

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3907) for the relief of William A. Reithel, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "\$5,000" and insert "\$3,000."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

SAMUEL ROBERTS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6091) for the relief of Samuel Roberts, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "\$1,919.25" and insert "\$1,387.10."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

WARRANT OFFICERS AND ENLISTED MEN IN THE ARMY MINE PLANTER SERVICE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4275) to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes, and consider the same.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this the bill that was before the House the other day?

Mr. COSTELLO. I will say to the gentleman that it is the identical bill that we passed yesterday on the Consent Calendar. Unfortunately, the Senate bill was not substituted for the House bill and that is the purpose of my making this request.

Mr. MICHENER. This is not the bill that changed the rank of medical officers?

Mr. COSTELLO. No; this bill deals with the Mine Planter Service and simply authorizes an increase in that Service because they are building a number of new mine sweepers.

Mr. MICHENER. And it is just a question of substituting the Senate bill for the House bill?

Mr. COSTELLO. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the authorized personnel of the Army Mine Planter Service shall comprise, for each Army mine planter in service or under construction, one master, one first mate, one second mate, one chief engineer, one assistant engineer, and one second assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and such enlisted men of the Coast Artillery Corps as the Secretary of War shall prescribe from time to time: *Provided*, That the maximum authorized numbers of warrant officers and enlisted men of the Coast Artillery Corps are hereby increased by the numbers of additional warrant officers and enlisted men authorized by this section: *Provided further*, That when the number of Army mine planters in service and under construction exceeds 14, the Secretary of War may, in his discretion, and to such extent as he may deem proper, make temporary appointments of the additional warrant officers required for the additional mine planters: *Provided further*, That members of the Army Mine Planter Service appointed as temporary warrant officers shall, while serving as such, have the rank, pay, allowances, and retirement privileges of the grade and ratings to which they are temporarily appointed, and upon termination of their temporary appointments as warrant officers shall revert to the grades from which they were appointed, without loss of seniority, credit for continuous service, or any other right or privilege, by reason of their service as temporary warrant officers: *And provided further*, That the relative rank, pay, and allowances of warrant officers of the Army Mine Planter Service shall be as now prescribed by law, and warrant officer second assistant engineers shall receive pay and allowances, and be entitled to other privileges as now prescribed by law for warrant officer second mates, and while aboard their vessels shall take rank immediately below warrant officer second mates.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MORRIS BURSTEIN ET AL

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6083) for the relief of Morris Burstein, Jennie Burstein, and Adolph Bur-

stein, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An act for the relief of Adolph Burstein."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. MICHENER. Reserving the right to object, this is just a question of amending the title?

Mr. LESINSKI. That is all.

Mr. SCHAFER of Wisconsin. Does the Senate amendment include the importation of any additional Bursteins?

Mr. LESINSKI. No. It is taking two Bursteins out and leaving one in.

Mr. SCHAFER of Wisconsin. I think the bill ought to be passed. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

TO AMEND THE AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4374) to amend the Agricultural Adjustment Act of 1938, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, do I understand that the effect of this bill is to classify different types of tobacco and establish quotas for different types of tobacco?

Mr. FLANNAGAN. That is one section of the bill. It classifies different types for the purpose of holding referendums. Some of the growers in a particular section were not satisfied with being hooked up with growers in another section, and we want to be able to permit them to hold a separate referendum with respect to their particular type of tobacco.

The other section changes the base period from 1919-39 to 1934-39. The bill has been unanimously reported by the Senate committee and passed. It was unanimously reported by the House committee. It has the approval of the Department of Agriculture.

Mr. CASE of South Dakota. My understanding is that the effect of this would be to do for tobacco what the people in the wheat States have long wanted done for wheat. In other words, we have long contended that wheat should be classified as to whether it is hard wheat or soft wheat and that separate quotas should be established for them, because the fact has been demonstrated that the surplus or so-called surplus in wheat is not due to the production of the hard wheat, but it is due to the production of other wheats. I have a copy of the Senate report and, as nearly as I can learn from the language of the Senate report, the purpose of this legislation is to set up different classifications for tobacco, maintaining that because of war conditions or other causes, the demand is different for different types of tobacco.

The same thing is true of wheat, as the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] can well testify. The demand is for hard milling wheats. We have long contended that it is utterly unfair to charge to them the surpluses that are created by other types of wheat, and unless this bill can be amended so as to give the same treatment for wheat as you are proposing to give for tobacco, I shall be obliged to object.

Mr. FLANNAGAN. I think the gentleman has a misconception as to the object of the bill. That provision in the bill is for the purpose of holding referendums with reference to a particular type. The present law, with respect to referendums, throws certain types together. The section in the bill the gentleman refers to would permit separate referendums

for the different types. There certainly cannot be any objection to this part of the bill.

Mr. CASE of South Dakota. Of course, that is what we would like to do with respect to wheat.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. AUGUST H. ANDRESEN. I have no particular objection to the referendum part of this bill. The part changing the base period makes it possible to take at least \$2,500,000 from other basic crops by way of benefits and transfer it to tobacco. No hearings were held in our committee on this legislation. It is an important piece of legislation. What the gentleman from South Dakota said about wheat is absolutely correct. If we are going to make changes in the classifications, grades, and types of wheat and also tobacco, it should be done in one legislation so that we may treat the subject on a Nation-wide scale, rather than to deal with it piecemeal.

The SPEAKER. Is there objection?

Mr. CASE of South Dakota. Mr. Speaker, I object.

MRS. GEORGE C. HAMILTON AND NANETTE ANDERSON

Mr. KENNEDY of Maryland submitted a conference report and statement on the bill (H. R. 4561) for the relief of Mrs. George C. Hamilton and Nanette Anderson, for printing in the RECORD.

ONA LOVCIKIENE AND CHILDREN, EDMUNDOS AND REGINA

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10063) to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. WALTER. This bill was introduced on behalf of this Russian lady because since she arrived in the United States on a visit her husband was murdered in Russia. She is not a Communist. Her husband was active politically against the Communists. They are known as White Russians. After she arrived at my home town her husband was murdered, and there is nobody for them to go back to. She owns property in what is now a part of Russia and has with her enough money so that she will not become a public charge. The bill was reported unanimously by the committee.

Mr. HANCOCK. Mr. Speaker, I have read a great many bills of this character, and, in my opinion, this is one of the most meritorious that have come from the Immigration Committee. I believe, however, there should be added to the bill as an amendment the customary clause carried in bills of this character, and if the gentleman's request is granted I shall offer such an amendment.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, what is the proposed amendment?

Mr. HANCOCK. Merely to add the provision that these people shall be admitted for permanent residence provided they are otherwise found to be admissible under the immigration laws except for the quota limitation. That is the usual clause in immigration bills of this character to protect us against making people eligible for citizenship who may be Communists, anarchists, murderers, or inadmissible under other provisions of the immigration law. So to protect those whose duty it is to examine the Private Calendar, I shall offer this amendment.

Mr. JENKINS of Ohio. That means, as I understand it, that this woman must be able to qualify in every respect as though she were an immigrant.

Mr. WALTER. That is correct.

Mr. JENKINS of Ohio. The next proposition is whether these people will be charged against the quota of the country.

Mr. WALTER. Yes; that is true in all of these bills.

Mr. MUNDT. Mr. Speaker, reserving the right to object, and I shall not; I simply want to take this occasion to in-

quire of the gentleman from Pennsylvania if he can give the House any information as to the status of the Walter-Logan bill in which so many of us are interested, whether any progress is being made in the Senate on that piece of legislation.

Mr. WALTER. I am very hopeful that the Senate will take up the bill, and I trust that the Congress will not recess until the Senate has at least had an opportunity to vote on a measure that was reported unanimously by the Judiciary Committee of the Senate.

Mr. MUNDT. I thank the gentleman from the information and join in the hope.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Labor be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Ona Lovcikiene and children, Edmundos and Regina, who entered the United States at New York on December 15, 1938, and that they shall, for all purposes under the immigration and naturalization laws, be deemed to have been lawfully admitted as immigrants for permanent residence. Upon the enactment of this act the Secretary of State shall direct the proper quota-control officer to deduct three numbers from the Russian quota for the first year said Russian quota is available.

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: Page 1, line 10, change the period to a colon and insert the following: "Provided, They are found to be otherwise admissible under the provisions of the immigration laws other than those relating to quotas."

Mr. JENKINS of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JENKINS of Ohio. I understand there are two bills here. Will this amendment be offered to the other bill also?

Mr. HANCOCK. There is just one bill here that applies to this woman and her children.

Mr. JENKINS of Ohio. I thank the gentleman for the information.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORONADO INTERNATIONAL MONUMENT, ARIZONA

The SPEAKER. The Chair recognizes the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4130) to provide for the establishment of the Coronado International Monument in the State of Arizona.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what position does this bill have on the calendar?

Mr. MURDOCK of Arizona. It is on the Union Calendar. I have asked that it be put on the Consent Calendar, but sufficient time has not yet elapsed for it to be called on that calendar.

Mr. MICHENER. Is there any element of emergency in connection with the passage of the bill?

Mr. MURDOCK of Arizona. We are anxious to go ahead with the work to carry out earlier legislation and furnish so much local employment. The thought that came to me was that the House is apt to recess, and there may not be another opportunity for some time to call the Consent Calendar. If we are to proceed with the work, we must adopt the legislation.

Mr. MICHENER. I call the gentleman's attention to the fact that that is the situation with respect to all bills now on the Consent Calendar. As a general rule, the Speaker does not recognize Members to call up bills by unanimous consent unless there is some element of emergency. If there is no emergency, I am wondering why this bill to establish a monument should be singled out for preference over all other bills.

The SPEAKER. If the membership will indulge the Chair, the Chair does not agree to recognize a Member to call up a bill unless he has assurance from the Member that it is all right with both the majority and the minority members of the committee that has charge of the bill. That is the situation with respect to this bill, as it is with respect to others which Members are recognized to call up out of order.

Mr. MICHENER. I want to be placed correctly also. The gentleman spoke to me about the bill and I asked him the very things I am asking him now: If this bill possessed any element of emergency. I do not mean any present existing emergency, but any element of emergency. I said that if it did, under the long-established precedents the Chair would recognize him and that if the Chair did recognize him, there would be no objection so far as I personally was concerned.

Mr. MURDOCK of Arizona. Mr. Speaker, I talked this matter over with two who might object, but not with any others. There seemed no objection.

Mr. RICH. Mr. Speaker, reserving the right to object, is this a bill to establish a monument in the gentleman's State?

Mr. MURDOCK of Arizona. Yes.

Mr. RICH. How many acres of ground will be contained in the monument?

Mr. MURDOCK of Arizona. About 2,800 acres.

Mr. RICH. This is to establish a monument for the Federal Government to take care of. If the gentleman can show us one iota of emergency in this bill, we might consider it in that light. Some may think there is, but I do not. There is no emergency in this bill and I do not think we ought to establish any other monuments anyway. I do not think this Government is in shape to go ahead and spend money on any monument and, Mr. Speaker, I object.

ORDER OF BUSINESS TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on tomorrow the Speaker may recognize Members for the purpose of suspending the rules and passing certain bills.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, if that consent is given, will it prevent points of order being made against the consideration of bills to which otherwise a point of order would lie?

The SPEAKER. When the rules are suspended, they are all suspended.

Mr. CASE of South Dakota. Would a point of order lie against the consideration of the bill if there were other places where a point of order might be made?

Mr. McCORMACK. To say what the Speaker would rule when the matter is presented to him would be presumptuous on the part of any of us, but my own opinion is that the unanimous-consent request submitted would in no way change the rights of any Members under the rules providing for a suspension coming up on regular suspension day. That would be my personal opinion and of course it is my own personal opinion.

Mr. JENKINS of Ohio. As I understand it, under the regular rules of the House we have regular days when we can ask for suspension of the rules.

Mr. McCORMACK. That is correct.

Mr. JENKINS of Ohio. The only other time usually that we have done that is within about 6 days of adjournment and then the Speaker only recognizes Members when he is sure that the matter is of some emergency. That is not present here at all.

The SPEAKER. May the Chair say that recognizing a Member for suspension of the rules is entirely within the discretion of the Chair. A bill does not necessarily have to have any element of emergency in it.

Mr. JENKINS of Ohio. But the Speaker has steadfastly refused to do that. In other words, it has been almost an unbroken rule and the Speaker never recognizes anyone for suspension of the rules except on the regular suspension days and within 6 days of final adjournment. The gentleman from

Massachusetts is asking for something that I do not remember anybody ever asking for in the time I have served here.

Mr. McCORMACK. Let me refresh the gentleman's memory. There is nothing mysterious about this. The leadership on the gentleman's side has been consulted. Yesterday I propounded the same request in relation to today and there was no objection. On Monday last there were a couple of bills on which the Speaker might have recognized Members to suspend the rules, but the circumstances were such that they could not be brought up. Yesterday I asked unanimous consent that today the Speaker may recognize Members, to call up bills under suspension of the rules, if he so desired.

There are one or two bills that I am sure the leadership on the gentleman's side is acquainted with. There is a bill coming out of the Interstate and Foreign Commerce Committee, and offhand I do not know of any others, but there may be one or two others. The leadership on the gentleman's side has been consulted and has been acquainted with the situation. Today the unanimous consent of yesterday not having been complied with, I am simply renewing the unanimous request to substitute tomorrow for today. The permission was granted yesterday. I can assure the gentleman that there is nothing mysterious about this, and that the leadership on his side is well acquainted with the entire situation. I respect the leadership on the gentleman's side and under all conditions I would consult with them, as does the Speaker.

Mr. JENKINS of Ohio. The gentleman is telling us something which we do not know anything about. However, we know that the gentleman is embarking upon a new procedure that might be very disastrous unless surrounded by circumstances such as the gentleman has indicated. I have no desire to prevent this program, but I want the Members of the House to know it is a novel program. It is an unusual program. If we do not throw around it the honor and integrity of the Speaker and the two leaders, then we are liable to run far afield. A Member might be opposed to certain legislation, but finds that in his absence a bill has come up that he has not had a chance to be heard on. This would not be fair to him, because his constituency might be very keenly interested in it. It is a dangerous procedure, and insofar as I am concerned I shall be here.

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask a question? If we are going to give unanimous consent for bills to come before the House tomorrow, is it possible for the gentleman to put in the RECORD the bills that will be permitted to come before the House tomorrow?

Mr. McCORMACK. It is not a question of unanimous consent, because, of course, the Speaker can always recognize a Member to take from the Speaker's table a bill; then it is within the prerogative of any individual Member to object. This unanimous-consent request is that the Speaker may recognize on tomorrow any Member who may wish to move to suspend the rules. The only bill I know of is a bill coming out of the Committee on Interstate and Foreign Commerce relating to short-line railroads, as I remember it. There may be one other bill, but the leadership on the gentleman's side will be made acquainted with them.

Mr. RICH. The gentleman is not going to permit the membership to bring up personal bills and ask unanimous consent that we consider them in that way?

Mr. McCORMACK. That can be done at all times. That is something that can be done at any time. This is on suspension of the rules, where a two-thirds vote is necessary to pass the bill.

Mr. RICH. All we want to do is to put some responsibility on the leadership on that side. We are going to stop from now on a lot of bills coming up that will involve spending money when we have not any money to spend.

The regular order was demanded.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DINGELL. Mr. Speaker, I renew my point of order that a quorum is not present.

The SPEAKER. The gentleman from Michigan makes the point of order that a quorum is not present. The Chair will count.

Mr. DINGELL. I will withhold it for a moment, Mr. Speaker, in view of the fact that several gentlemen have unanimous-consent requests they wish to submit.

EXTENSION OF REMARKS

Mr. SCHULTE. Mr. Speaker, in view of the wage dispute that now exists at the Bethlehem Steel Co. and the Republic Steel Co., I ask unanimous consent to extend my own remarks in the RECORD and include therein two letters of several I have received from people in my district who are very much interested in this matter, and call the attention of the country to the fact that the Wagner Labor Act is now being violated.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain excerpts from three Washington papers under date of October 6.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent that on tomorrow, October 9, at the conclusion of the address of the gentleman from New York [Mr. DICKSTEIN] I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the Cornell University Law Journal. This is beyond the maximum prescribed. I have an estimate from the Joint Committee on Printing and the Government Printing Office.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole today and include therein a few brief excerpts from publications.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GAMBLE asked and was given permission to extend his own remarks in the RECORD.

CALENDAR WEDNESDAY BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on tomorrow, Calendar Wednesday, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by the Most Reverend Edward Mooney, Archbishop of Detroit, which was delivered last Saturday at a Knights of Columbus gathering at Detroit.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Boston Globe.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the September issue of the American Surgical Trade Association Journal, and also to extend my own remarks and include therein an editorial from the Bergen Evening Record, of Hackensack, N. J., dated Monday, September 30, 1940.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GRANT of Indiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two separate subjects.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GRAHAM, for Thursday and Friday, on account of important official business.

To Mr. CLAYPOOL, for 1 week, on account of important business.

To Mr. FLANNERY, for 3 days, on account of death in family.

EXTENSION OF REMARKS

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a Forum of the Air discussion.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SECCOMBE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a Time Table of Dictatorship, published recently by the Mill and Factory magazine.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short table and a statement from the National Committee to Uphold Constitutional Government.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. HARTER of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a communication from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

POINT OF ORDER

Mr. DINGELL. Mr. Speaker, I renew my point of order that a quorum is not present.

The SPEAKER. The gentleman from Michigan makes the point of order that a quorum is not present. The Chair will count.

Mr. WOODRUFF of Michigan. Mr. Speaker, will the gentleman withhold his point of order?

Mr. DINGELL. No; I have withheld it for the last hour.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;

H. R. 8621. An act to amend the Civil Service Retirement Act and other retirement acts;

H. R. 9654. An act to extend for an additional year the provisions of the Sugar Act of 1937 and the taxes with respect to sugar;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska;

H. R. 9980. An act to revise and codify the nationality laws of the United States into a comprehensive nationality code;

H. R. 10122. An act to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869);

H. R. 10464. An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts;

H. R. 10518. An act granting the consent of Congress to the department of highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.;

H. R. 10539. An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes; and

H. R. 10572. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 11 minutes p. m.) the House adjourned until tomorrow, Wednesday, October 9, 1940, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TAYLOR: Committee on Appropriations. House Joint Resolution 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes; without amendment (Rept. No. 3031). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee on Agriculture. S. 4311. An act to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes; without amendment (Rept. No. 3032). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. S. 4362. An act to provide for the completion of certain local protection works at East Hartford, Conn.; without amendment (Rept. No. 3033). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. S. 3612. An act to authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes; without amendment (Rept. No. 3034). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. S. 1433. An act to add certain lands to the Siuslaw National Forest in the State of Oregon; without amendment (Rept. No. 3035). Referred to the Committee of the Whole House on the state of the Union.

Mr. MURDOCK of Arizona: Committee on Irrigation and Reclamation. H. R. 10543. A bill to make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County

Water Conservation District, Nevada; without amendment (Rept. No. 3036). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee on Agriculture. S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane damage project; without amendment (Rept. No. 3037). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENNEDY of Maryland: Committee of conference on the disagreeing votes of the two Houses. S. 527. An act for the relief of J. J. Greenleaf (Rept. No. 3039). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENNEDY of Maryland: Committee of conference on the disagreeing votes of the two Houses. H. R. 4561. A bill for the relief of Mrs. George C. Hamilton and Nanette Anderson (Rept. No. 3040). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 10418. A bill to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey; without amendment (Rept. No. 3038). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 217. An act for the relief of Charles B. Payne; without amendment (Rept. No. 3041). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn; without amendment (Rept. No. 3042). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 4250. An act conferring jurisdiction upon the United States District Court for the Western District of North Carolina to hear, determine, and render judgments upon the claims against the United States of I. M. Cook, J. J. Allen, and the Radiator Specialty Co.; with amendment (Rept. No. 3043). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 4360. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Co.; with amendment (Rept. No. 3044). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 7965. A bill for the relief of T. G. Ramsey; with amendment (Rept. No. 3045). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 8224. A bill for the relief of Gdynia American Line, Inc., of New York, N. Y.; with amendment (Rept. No. 3046). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 8343. A bill for the relief of Edith Platt; with amendment (Rept. No. 3047). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 8810. A bill for the relief of Daisy Fitzpatrick; with amendment (Rept. No. 3048). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LUCE:

H. R. 10630. A bill to create labor boards at military establishments for the purpose of equalizing rates of pay between navy yards and arsenals; to the Committee on Military Affairs.

By Mr. SHERIDAN:

H. R. 10631. A bill to amend the Selective Training and Service Act of 1940 (S. 4164); to the Committee on Military Affairs.

By Mr. KEFAUVER:

H. R. 10632. A bill to authorize the President temporarily to transfer jurisdiction over certain national forest and national park land to the War Department or the Navy Department; to the Committee on Public Lands.

By Mr. WOODRUFF of Michigan:

H. R. 10633. A bill to provide for the economic defense of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. DELANEY:

H. Res. 622. Resolution relating to the activities of H. G. Wells; to the Committee on Foreign Affairs.

By Mr. MILLER:

H. Res. 623. Resolution requesting certain information on cemeteries in Europe; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Indiana:

H. R. 10634. A bill for the relief of Fred Hunter; to the Committee on Claims.

By Mr. RUTHERFORD:

H. R. 10635. A bill granting an increase of pension to Myrtle I. Arnold; to the Committee on Invalid Pensions.

H. R. 10636. A bill granting a pension to Jessie M. Jones; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9350. By Mr. LAMBERTSON: Resolution of the members of the bar of Marshall County, Kans., wholeheartedly tendering their services, as lawyers and citizens, to the President, the officials of the United States Army, or any other department of the Government, State or National, to whom they may be of assistance; to the Committee on Ways and Means.

9351. Also, petition of J. M. Mitchell and 16 other residents of Topeka, Kans., urging Congress to enact the General Welfare Act, House bill 5620, into law; to the Committee on Ways and Means.

9352. By Mr. VOORHIS of California: Petition of C. E. Robel, of Lewiston, Idaho, and 12 others, urging consideration in behalf of Senate Joint Resolution 188 and House Joint Resolution 391, that Congress assume its constitutional duty to "coin money and regulate the value thereof"; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, OCTOBER 9, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Lord of our life, and God of our salvation, in whom we live and move and have our being, both as men and nations: Enlighten our minds with the knowledge of what is right for us to do. Give us power to see our duties with a clear eye and a broad vision; and make us apt to do Thy will, that our Nation may be strong in heart and soul in those virtues which have made her truly great. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar

day of Tuesday, October 8, 1940, was dispensed with, and the Journal was approved.

NAMING A PRESIDING OFFICER

The Chief Clerk read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., October 9, 1940.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. KENNETH MCKELLAR, a Senator from the State of Tennessee, to perform the duties of the Chair during my absence.

KEY PITTMAN,
President pro Tempore.

Thereupon Mr. MCKELLAR took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Callo-way, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3612. An act to authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes;

S. 3786. An act to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes;

S. 4275. An act to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; and

S. 4362. An act to provide for the completion of certain local protection works at East Hartford, Conn.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 3907. An act for the relief of William A. Reithel;

H. R. 6083. An act for the relief of Morris Burstein, Jennie Burstein, and Adolph Burstein; and

H. R. 6091. An act for the relief of Samuel Roberts.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 527) for the relief of J. J. Greenleaf.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10063. An act to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina; and

H. R. 10440. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

J. J. GREENLEAF—CONFERENCE REPORT

Mr. BARKLEY (for Mr. BURKE) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 527) entitled "An act for the relief of J. J. Greenleaf" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows: In lieu of the figures "\$8,125" insert "\$10,000"; and the House agree to the same.

PRENTISS M. BROWN,
JOHN G. TOWNSEND,
EDWARD R. BURKE,
Managers on the part of the Senate.
AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
Managers on the part of the House.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the report.